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ABSTRACT

This progress report reviews the first year of Texas' public-school accountability system. The report meets the state legislature's requirement to: (1) provide reliable measurement of student performance; (2) relate student academic outcomes to state standards; (3) recommend action in cases where results deviated from expected performance; and (4) devise a method for informing the public of the schools' results. The report describes the background of Senate Bill 7 and its requirements for accountability and assessment, and it compares students' Texas Assessment of Academic Skills (TAAS) scores for 1993 and 1994. The 1993 results had identified 326 out of over 1,000 school districts as low-performing. Intervention teams made site visits and conducted interviews at the schools. The 1994 TAAS results posted in June showed improvement but were countered by a change in several basic computations for school ratings. Thus, the 1993 and 1994 results are not directly comparable. The report recommends the use of regression analysis as the basic methodology for analyzing data for showing comparable growth within peer groups; the full implementation of the Texas Learning Index as the primary unit used to calculate required improvement and to support the state standard requiring one year's growth in reading and mathematics; and the establishment of a policy to require new management systems for districts with schools that have been rated low-performing for 2 consecutive years, including charter-schools. Fifteen other recommendations are included. One figure and four tables are offered. The appendix contains Chapter 35 of the Texas Education Code, the mandate for the public-school accountability system. (LMI)

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ED 394 205

TEXAS PUBLIC SCHOOL ACCOUNTABILITY:

A Report Card on Implementation of the System

Presented to the Legislative Budget Board
and the Educational Economic Policy Committee

Prepared by Legislative Budget Board Staff
in cooperation with the Educational Economic Policy Center

December 1994

EA 027 529

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"The Educational Economic Policy Center, established under Section 34.051, Education Code, shall monitor and evaluate the implementation of the accountability system set forth in this Act and provide annual progress reports to the governor, the Legislative Budget Board, and the commissioner of education." (S.B. 7, Section 7.10, Acts of the 73rd Legislature, Regular Session)

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December, 1994

The Honorable Ann Richards
The Honorable Bob Bullock
The Honorable James E. "Pete" Laney
The Honorable Members of the Legislative Budget Board
Commissioner Lionel R. "Skip" Meno

Dear Governor Richards, Lt. Governor Bullock, Speaker Laney, Members of the Board and Commissioner Meno:

We are pleased to submit the first Report of the Evaluation of the Accountability System conducted by the Educational Economic Policy Center. This annual progress report was mandated by Senate Bill 7, Section 7.10, Acts of the 73rd Legislature, Regular Session, to provide a review of the implementation of the public school accountability system set forth in that Act.

The Policy Center would like to acknowledge and thank the staff of the Legislative Budget Board for their cooperation in the preparation of this report.

Progress has been made in public school achievement. Much remains to be done. The three most important items for your consideration of this report are:

1. The use of regression analysis to level the playing field in evaluating all students' progress on each state standard;
2. The full installation of the measurement of required improvement, using the Texas Learning Index as the primary unit for calculation of school and district progress; and,
3. The establishment of a policy to require new management for persistently low performing schools, including contracts for charter schools.

As stated in the Center's accountability report to you two years ago, reliable annual assessment is the critical foundation of a viable accountability system. You have established that annual assessment. The next step and foremost concern is to firmly establish the relationship between the state standards, required improvement and comparable improvement. We believe that the Texas Education Agency has the tools to accomplish this important task to create a fair and workable accountability model. The agency has made a significant effort to launch the system and to map out new test development and implementation. Now it must weave together the key aspects of standards and improvement.

Texas has taken the bold step of mandating a public school accountability system based on the belief that all children can learn and that parents, taxpayers, the business community and citizens of this state hold their educators accountable. We advocate the findings and recommendations of this report for your consideration in support of that mandate.

Sincerely,

Janey Lack
Janey Lack
Chair, Educational Economic
Policy Committee

John T. Cater
John T. Cater
Chair, Subcommittee on
Accountability

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TEXAS PUBLIC SCHOOL ACCOUNTABILITY:

A Report Card on Implementation of the System

EXECUTIVE SUMMARY AND RECOMMENDATIONS

EXECUTIVE SUMMARY

In May 1993, the 73rd Legislature passed Senate Bill 7 which established a statewide public school accountability system. Broadly, the bill required the state to (1) provide reliable measurement of student performance, (2) relate student academic outcomes to state standards, (3) recommend actions in cases where results deviated from expected performance, and (4) devise a method for informing the public of the schools' results.

This report is a review of the system's first year and an outline of challenges that lie ahead.

Background on Senate Bill 7. The lineage of the current accountability statute stretches back to House Bill 246 of the 1981 legislative session which established the state "essential elements" curriculum. Other accountability provisions were added with House Bill 72 in 1984 and Senate Bill 1 in 1990, such as district annual performance reports and the adoption of academic excellence indicators used to judge school and district performance.

In 1991, the Legislature mandated a study of accountability in Texas public schools to establish a statewide system for holding schools accountable for student achievement. Many parts of the structure are built from the decade of reforms. However, the findings of the study halted a retreat in State Board of Education (Board) testing policy that limited student testing to grades four, eight and ten. The study shifted the focus of accountability to measuring the *improvement* of student academic performance in every school—not just school districts—each year. The study also concluded that a timely sequence of actions for state assistance and intervention in persistently low performing schools was critical. The findings and recommendations of the study provided the blueprint for the statewide accountability system established by Senate Bill 7 (SB 7).

Texas today has the nation's most comprehensive public school accountability system, and is the only state to incorporate student performance outcomes in an appropriations bill.

Accountability and Assessment Requirements in SB 7. The accountability statute provides for standards, measurement of achievement, and measurement of annual student academic growth. The Board determines the level of performance for satisfactory achievement on all tests administered. The Commissioner of Education (Commissioner) establishes state standards, linking test results and other academic excellence performance indicators in defining requirements for district accreditation and campus performance ratings.

A significant feature of the new statute is the provision for student academic growth to be measured in terms of "required improvement" and "comparable improvement." Required improvement is defined in the statute as the progress necessary for students to meet state standards and pass the high school exit exam. Comparable improvement is defined as the gains of a school or district compared to other "like" schools or districts. These calculations are mandated to show not just "how much" improvement but also "how well does it stack up" against similar schools' performance.

Each school's rating is based primarily on individual student scores on the Texas Assessment of Academic Skills (TAAS). The TAAS is a comprehensive set of state-administered, criterion-referenced tests that is tied directly to the Texas public school "essential elements" curriculum.

The new accountability system requires the State Board of Education and Commissioner to:

- use criterion-referenced testing (TAAS) to measure student academic achievement in grades 3 through 8 and at exit level (10-12);

- create a system for periodic testing of social studies and science, and establish end-of-course tests at the high school level;

- use the Academic Excellence Indicator System (AEIS) to rate and accredit campuses and districts and compare information annually as a means of evaluating change in academic achievement; and,

- prepare and distribute to parents a report card on each campus to explain how the school performed, and to compare it to other campuses.

Senate Bill 7 also mandates consequences for under-performance and awards for high achievement for campuses and districts, and requires annual public notification of school and district performance.

Results of 1993 and 1994 Evaluations. The first performance ratings based on the requirements of SB 7 were released in August 1993. Ratings were issued to all campuses and districts based on the results of 1993 TAAS test scores in reading, writing and mathematics for grades 4, 8, and 10. Of 6,184 campuses in the state, 326 schools were identified as llow performing. Out of 1,048 districts, 10 were rated "accredited warned." These initial low ratings were greeted with surprise, anger and frustration.

The Texas Education Agency (agency) coordinated several hundred intervention teams which were sent to visit low performing school sites. These teams analyzed programs and budgets, and interviewed school principals, teachers and parents. Site visits continued throughout the 1993-1994 school year.

In March, May and June of 1994, a full battery of TAAS tests were administered to grades 3 through 8 and at the exit level. Results posted in June showed real progress. However, several basic computations for school ratings changed between 1993 and 1994. Although improvement has been greeted with enthusiasm, the change in standards also raises concerns. The concerns, listed below, must be thoughtfully addressed for the new accountability system to gain full credibility within the schools and with the public.

- **Comparing Results.** The 1993 and 1994 systems are not directly comparable. This means that school ratings were not based on the same yardstick. Important changes included:

(1) changing the standard from requiring 20% of students to pass *all* tests taken (1993) to requiring 25% of students to pass *each* test (1994); and,

(2) providing several options or "gates" for passing that allow districts and campuses to get out of the "low performing" category—such as using scores for students tested at grades 4, 8 and 10 only instead of results for grades 3-8 and 10.

During this transition year—moving from different standards and more grade levels tested—the agency should have provided the schools and the public with rating results based on the 1993 and 1994 criteria. This would have alleviated concerns about an "apples and oranges" comparison between the two years.

- **"Base" Indicators and Delayed Indicators.** In both 1993 and 1994, only TAAS scores have been used as the basis for performance ratings for all performance levels. SB 7 requires the accountability rating for each campus in the state to be based on the performance of all AEIS indicators. The agency's establishment of "base" and "supplementary" indicators is clearly inconsistent with the statute.[1] Other required measurements, such as showing test performance by student group (white, African-American, Hispanic and low socioeconomic), have been partially implemented or delayed. Still others—such as indicators for attendance and dropout rates—have been only partially implemented, used only for schools qualifying for "recognized" or "exemplary" ratings.

There still remain several indicators to be brought on line and measurements to be developed, piloted and benchmarked. Until the new end of course tests and other high school indicators, such as the percentage of graduates meeting college track requirements, are put in place, the TAAS exit exam serves as the only *academic* accountability measure for high schools.

- **"Required" and "Comparable" Improvement.** Standards for required improvement are in the pipeline, but comparable improvement is still in the options stage. The concept of how all of it is supposed to work together—state standards, comparable improvement and required improvement—has not yet been visualized.

There are more issues, such as the development of a clear, understandable and useful School Family Report Card and the need for bringing "alternative" schools into the accountability fold.

There is still a long road ahead to full and fair accountability of the public schools.

The Road Ahead. Texas has taken the bold step of mandating a public school accountability system based on the idea that all children can learn and that parents, taxpayers, the business community and citizens of this state should hold their educators accountable. The agency has made a significant effort to launch the system and to map out new test development and implementation. Much remains to be done. The foremost concern is to forge a strong relationship between key aspects of the system—state standards, required improvement and comparable improvement—to create a fair and workable accountability model. The overall challenge is to implement a system that clearly evaluates and plainly reports the progress of our schools, that provides incentives for high performance, and that provides meaningful change for low performing schools.

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[1] Section 35.062 (c), T.E.C. states that the agency "shall evaluate against state standards and shall report the performance of each campus in a district on the basis of the campus's performance on the indicators adopted under Sections 35.041(b)(1) through (6)."

RECOMMENDATIONS

Several recommendations are suggested throughout the body of this report. Recommendations presented here reference the relevant discussion section.

1. The agency should modify its accountability implementation schedule by limiting phase-in of the new measures to one "benchmark" year and one "report only" year preparatory to full use as a measure for accountability purposes. *[p. 15]*

2. For ratings issued in August of 1995, the agency should implement attendance as an indicator for accountability purposes for all schools and districts using the current year attendance data supplied to the agency from the local level through the public education data gathering system. *[p. 16]*

3. For ratings issued in August of 1995, the agency should apply all other indicators cited under Section 35 (b) (1)-(6) T.E.C. for accountability purposes for all schools and districts as required by the statute, specifically as mandated by Section 35.063, T.E.C. A delay in implementing the indicator for TAAS/TASP equivalency rates will be required since the tests will be re-calibrated during the 1995-1996 school year. *[p. 17]*

4. For ratings issued in August of 1995, the agency should move to current year reporting of dropout data for accountability purposes. *[p. 18]*

5. Beginning with the 1995 report of results and ratings, the agency should not delay any further by schedule or by rule an accounting for achievement by student groups for ratings purposes. *[p. 19]*

6. The agency should use regression analysis as the basic methodology for analyzing data for showing comparable growth within peer groups. *[p. 22]*

7. For ratings issued in August of 1995, the state should fully implement the Texas Learning Index as the primary unit used to calculate required improvement and to support the state standard requiring one year's growth in reading and mathematics. *[p. 24]*

8. The school report card should show how many students passed both "all tests taken" and "each test taken" to get the whole school picture on student performance. For the first two accountability ratings reports, the agency has published estimates of low performance on a statewide basis to show results of both "each" and "all" tests

measurements of public school performance. This practice should be continued and should include all ratings categories, by district and by campus, in order to have the whole record of progress on each standard regardless of the use of one or both standards, or neither, for accountability purposes. *[p. 25]*

9. Alternative schools should be included in the overall accountability system on the same basis and standards for improvement as other schools. *[p. 26]*

10. The school report card to parents should use plain language and illustrations in describing the performance of the school on no more than each side of a single page. The school performance rating should be prominently displayed at the beginning of the report with space set aside for comment by the principal about the school's performance and highlights of the school year. *[p. 25]*

11. The state should continue to support the implementation of the Texas School Improvement Initiative in providing training and intervention teams to low performing schools. School board members should be included in that training and as intervention team members. The agency should expand and support this program at the level necessary to provide service to all low performing schools in the state. *[p.29]*

12. Districts should provide intensive staff development training for personnel in low performing schools, using all current state mandated staff development days and additional days granted through agency waivers, specifically to focus on areas diagnosed as needing improvement based on the intervention team report and campus improvement plan. *[p. 33]*

13. The state should require districts with schools that have been rated low performing for two consecutive years to seek proposals for other management systems, including charter schools. Proposals should establish the baseline indicators and expected performance gains. Any district decision to retain management or to use district personnel in a low performing school would require approval by the commissioner.[2] *[p. 34]*

14. The state should integrate appropriate assessment of learning for special populations within the accountability system, such as the "Results Based Monitoring" program

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[2] As proposed in *Charter Schools: Experiments in Reform.* Prepared by Legislative Budget Board Staff in cooperation with the Educational Economic Policy Center, David Dunn, Manager, Public Education Team (June 1994), p. 17.

developed and implemented by the agency, and the results should be reported in the district performance report and school report card. *[p. 35]*

15. The agency should formalize evaluation of its service to low performing schools. In organizing the flow of information from the agency to the field and back through the agency, the agency should maximize use of the state's computer network and information systems and discourage increased paperwork demand on school districts. *[p. 35]*

16. The agency should implement an effective schools survey to supplement and support the current interview and observation process in low performing schools. *[p. 38]*

TEXAS PUBLIC SCHOOL ACCOUNTABILITY:

A Report Card on Implementation of the System

OVERVIEW OF THE ESTABLISHMENT OF THE STATE ACCOUNTABILITY SYSTEM

Background. The General Appropriations Act for 1992-93 mandated that a study of accountability in the Texas public schools be conducted by the Legislative Education Board and the Educational Economic Policy Center (EEPC). For the purposes of that study, the EEPC surveyed all other states on accountability systems for public schools. Although several other states have some features of an accountability structure, Texas today has the most comprehensive statewide accountability system. Further, Texas is still the only state in the nation to incorporate performance outcomes in an appropriations bill.[3]

The accountability legislation, enacted by the 73rd Legislature (Senate Bill 7),[4] provides for standards, measurement of achievement, and measurement of annual student academic growth. The Board determines the level of performance for satisfactory achievement on all tests administered. The Commissioner establishes state standards, linking test results and other academic excellence performance indicators in defining requirements for district accreditation and campus performance ratings.

A significant feature of the new statute is the provision for student academic growth to be measured in terms of "required improvement" and "comparable improvement." These calculations are mandated to show not just "how much" improvement but also "how well does it stack up" against similar schools' performance.

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[3] Heller, Terry. Chapter III "Accountability: What other states are doing in education," and Chapter IV "Texas: Where we stand now on accountability." *A New Accountability System for Texas Public Schools, Vol. 2.* Educational Economic Policy Center (January, 1993).

[4] See Appendix for the complete text of the accountability statute. For further reference, *Highlights of Senate Bill 7 Related to Accountability* (Texas Education Agency) describes statutory changes establishing the framework of the accountability system. Also, the agency's *Statewide Accountability System, An Overview of the Accreditation Procedures as Revised by Senate Bill 7* (July, 1993), provides a manual on the first year's standards as initially established by the agency, based on its interpretation and implementation of Chapter 35, T.E.C.

Each school's rating is based primarily on individual student scores on the Texas Assessment of Academic Skills (TAAS). The TAAS is a comprehensive set of state-administered, criterion-referenced tests that is tied directly to the Texas public school "essential elements" curriculum.

Senate Bill 7 required the Board and Commissioner to:

- use criterion-referenced testing (TAAS) to measure student academic achievement in grades 3 through 8 and at exit level (10-12);
- create a system for periodic testing of social studies and science, and establish end-of-course tests at the high school level;
- use the Academic Excellence Indicator System (AEIS) to rate and accredit campuses and districts, and compare information annually as a means of evaluating change in academic achievement; and,
- prepare and distribute to parents a school report card on each campus to explain how the school performed, and to compare it to other campuses.

Senate Bill 7 also mandated consequences for unacceptable performance and awards for high achievement to be established at the campus level and at the district level, and required annual public notification of school and district performance.

Key Aspects of Statutory Requirements for Accountability. Central to the accountability statute are three key components of the evaluation system: (1) establishment of state testing program as the base for standards and ratings, (2) computation of comparable improvement, and (3) computation of required improvement, or annual student "growth." These were fundamental issues in the crafting of the accountability legislation, and may be construed as constituting a "fairness doctrine" in looking at how the agency approached setting standards and constructing formulas.

The accountability statute established that (a) the Board is to determine the level of performance considered satisfactory on all tests administered; (b) assessment results are to be compared with national results for all subject areas and grade levels tested; and, (c) the Commissioner is to establish state standards and definitions for required performance levels—exemplary, recognized and unacceptable—and projects standards for those performance levels for succeeding years. To be fair, the accountability system calls for established targets for all schools and districts.

The state testing program was a critical issue in constructing the statute on accountability, and the resulting mandate was a compromise between the "4-8-10" state-standard test and the annual nationally-normed tests.[5] The resulting statute calls for ratings to be based on state-standard test scores in reading and mathematics in grades 3-8 and 10 (exit exam), writing and other subject areas and grade levels to be determined by the Board, and passing scores on end-of-course exams at the high school level in several subject areas.

The first round of ratings rested solely on spring 1993 student scores in grades 4, 8, and 10. It is significant to note that the first year was a transition year, and that it was a major change in assessment to increase testing to grades 3-8 and 10 in the following year (1994).

The computations for required improvement and comparable improvement were also carefully laid out in the statute in order to define these important aspects of providing fair measurement of school results. Required improvement was defined as the progress necessary for students to meet state standards and to pass the exit exam.[6] Comparable improvement was defined as gains at one campus or district compared to gains of an average "results profile" of other campuses or districts substantially equivalent in student characteristics.

Finally, underlying all computations is the calculation for student annual "growth." The fundamental measurement of student progress from year to year is based on individual student scores on the TAAS. To maximize fair assessment, testing is for all students in regular programs in grades 3-8 and exit level (special education are exempted, and Limited English Proficient (LEP) students exempted for one year). Also, Spanish versions of the test are coming on line. The statute requires demonstration of "the degree of change from one school year to the next" in student performance as measured against the state standards for each indicator (Sec. 35.041[b], T.E.C.).

Academic Excellence Indicator System (AEIS). The accountability statute provides seven academic indicators, six of which are the factors designated for use in determining district accreditation status and campus performance ratings. The indicators include the following:

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[5] The new statute changed the test base from the National Assessment of Progress for Texas state testing program in grades 3-11 (the "NAPT" test) to an expanded version of the Texas Assessment of Academic Skills (the "TAAS" test) formerly given only in grades 4, 8 and 10.

[6] The exit exam is the established standard to which all other tests (grades 3-8) are calibrated.

- TAAS test results, scores from tests administered in grades 3-8 and 10 in mathematics and reading, and in grades 4, 8 and 10 in writing, and other subjects determined by the Board (e.g., science, social studies, etc.)
- Dropout rates
- Attendance rates
- High school end-of-course exams
- Percent of graduating students with scores on TAAS exit exams that are equivalent to passing scores in the Texas Academic Skills Program (TASP) at the college level
- Graduation rate of students in career or college preparation tracks
- SAT (Scholastic Assessment Test) and ACT (American College Test) results (not included in accreditation ratings)

The first year of implementation of the AEIS was limited to those for which standards were established by the commissioner. Standards for TAAS scores only were the basis for "acceptable" and "low performing" ratings. "Recognized" and "exemplary" ratings were additionally based on attendance and dropout rates. Attendance and dropout rates were considered for "warning" purposes for the bottom two levels of ratings to help schools and districts prepare for meeting standards for these indicators in the second year. Accountability system indicators and standards are further discussed in the next section.

YEAR ONE: REVIEW, ANALYSIS AND EVALUATION OF 1993 STANDARDS AND RATINGS

The establishment of state standards for the first year proved difficult. In part, this was due to the very high mark—90% passing all TAAS tests—chalked on the wall by the Commissioner as the "standard" expectation for all schools. However, that was prior to the passage of the new accountability statute. After that point, the mark was too high for most schools and districts to meet. The law called for sanctions to be applied to those falling below it.

That high standard is still the goal for some schools, but not for all.

The state standard—90% of the students tested passing all tests taken and no greater than a 1% dropout rate—was established as an "exemplary" mark. An intermediate mark—"recognized"—was set at 65% passing and a 3.5% dropout rate. An "acceptable" performance for the first year was passing rates from 21% to 65%. An unacceptable passing percentage at 20% and below was set as "low performing." Although dropout rates for the lower ratings were set at 3.5% and 6% respectively, they were not applied for the first round of ratings in 1993.

The establishment of gradient levels may be more reflective of accepting current reality, but establishing two lower standards—although within statutory bounds—was a significant departure from the single standard of excellence expected for all schools. However, labeling a great host of schools in the state as substandard was also a problem. The agency is limited in staff available to coordinate intervention teams and to provide technical assistance to low performing schools. This was the determining factor in the agency's decision to set the low 20% passing level for "acceptable" performance by the state's public schools.

Just the same, it is difficult to justify the fact that, for example, approximately 8 out of 10 students failed a test but the school passed the standard.

The state standards for each indicator of academic excellence are further detailed and discussed in the following section.

Academic excellence indicators. The indicators are measurable outcomes of the education process. As presented (Sec. 35.041, T.E.C.), the indicators are to be compared to state-established standards and are to be measured to show change on an annual basis. Analysis of indicators statutorily must include disaggregation by race, ethnicity, gender and socioeconomic status.

For the first year, the first three indicators were assigned standards. Only the TAAS results, however, were used to rate schools and districts except for the "exemplary" and "recognized" categories. There was no disaggregation by gender, and disaggregation by race, ethnicity and economic disadvantage was reported but not considered in the assignment of ratings for the first year.

1. **TAAS results**. The TAAS is a comprehensive set of state-administered, criterion-referenced tests that determines students' progress on an annual basis in the public school "essential elements" educational program. Year 1 scores on the TAAS in reading, mathematics and writing were aggregated for students in grades 4, 8 and high school exit (administered beginning in the 10th grade and thereafter until all three tests are passed). For the first year only, at least 5 students per grade had to participate in the tests in order to be used in rating the school. As presented in Table 1, the state standard is 90% passing all tests taken to be rated "exemplary," 65% passing as "recognized," 21% as "acceptable," and 20% or below passing as "low performing."

2. **Dropout rates**. An annual dropout rate was calculated using the total number of dropouts in grades 7 through 12, divided by the number of students enrolled in those grades for more than 30 consecutive days. The state standard for the dropout rate is 1%; over a six year period, this is an aggregate dropout rate of 6%. The standard for a "recognized" rating is a 3.5% dropout rate. Districts and campuses with a dropout rate of 6% or greater for all students received a "letter of concern" with the warning that a "clearly unacceptable performance" rating would be applied in Year 2 if the school or district failed to improve.

3. **Attendance rates**. Attendance rates, when combined with dropout rates, contribute to the overall picture of student participation in school to ensure that no group(s) of students are "pushed out" of the system. This is important because of the so-called "high stakes" characteristic of the accountability system which is based on test scores. The state standard for this indicator is an average of 97% of all students enrolled and in attendance throughout the school year. The attendance rate is being used to distinguish "recognized" (95%) and

"exemplary" (97%) ratings, and is therefore not being used as an accountability measure for basic accreditation.

4. High school end-of-course exams. State examinations are mandated for core high school courses determined by the commissioner and the Board. Courses are scheduled to include Algebra I, Biology I, Chemistry I, U.S. Government, U.S. History, English II, Computer Science I, and other subject areas selected by the Commissioner and the Board. End-of-course exams were not incorporated in the accountability system in 1993 because they were not developed.

5. Percent of graduating students with scores on TAAS Exit Exams equivalent to passing scores in the Texas Academic Skills Program (TASP). This equivalency indicator will fill in the "missing link" between the Texas public school curriculum output level and the basic academic skills levels required for programs in institutions of higher education in the state. The TASP is a diagnostic basic skills test established under Sec. 51.306, T.E.C., for college entrants to determine readiness for college level work, and to identify any remediation necessary in reading or math before continuing beyond 60 hours of work at the college level. For purposes of public school accountability, it is more feasible to access the scores of the TAAS administered to exiting seniors than to access results of the TASP from various colleges and universities. The equivalency standard has not yet been determined; this indicator will be used for accreditation purposes after the criterion level is established.

6. Graduation rate—percentage of graduating students meeting course requirements for career or college preparation programs. This indicator is defined as the percent of students completing a full preparation high school program approved by the Board. Graduation rates are scheduled to be reported as the percentage of graduates who meet certain preparation standards by the end of the twelfth grade.

7. SAT (Scholastic Assessment Test) and ACT (American College Test) results. This is the only indicator in the statute that is not required for computing accountability ratings. The agency is using reported results on the SAT and ACT as "supplemental indicators" for determining "exemplary" or "recognized" ratings for high schools and districts.

The first set of accountability ratings was based on results of scores on the 1993 spring TAAS tests in grades 4, 8, and 10. Dropout and attendance rates were a factor in the "exemplary" and "recognized" ratings. Results are summarized in Table 1.

Table 1. Summary of 1993 ratings for districts and campuses.

DISTRICTS

District Accreditation Ratings	Number of DISTRICTS (%)
"EXEMPLARY" Achieved State Standard: 90% or more students in district passed all tests taken + Meets dropout (<1%) & attendance (>97%) standards	1 (.1%)
"RECOGNIZED" 65% - 89% PASSING +Meets dropout (<3.5%) & attendance (>95%) standards	24 (2.3%)
"ACCREDITED" 21% - 64% PASSING	1,013 (96.7%)
"WARNED" 0 - 20% PASSING	10 (1.0%)
TOTAL	1,048 DISTRICTS

CAMPUSES

Individual School Performance Ratings	Number of CAMPUSES (%)
"EXEMPLARY" Achieved State Standard: 90% or more students on campus passed all tests taken + Meets dropout (<1%) & attendance (>97%) standards	22 (.4%)
"RECOGNIZED" 65% - 89% PASSING +Meets dropout (<3.5%) & attendance (>95%) standards	256 (4.1%)
"ACCEPTABLE" 21% - 64% PASSING	5,580 (90.2%)
"LOW" 0 - 20% PASSING	326 (5.3%)
TOTAL	6,184 CAMPUSES

Source: Final 1993-94 Accountability System State Summary.(Sept. 9,1993) "Percent passing all tests taken" is the percentage of students achieving 70% or more on all three tests in reading, mathematics and writing. Percentages for the 1992-93 accountability ratings were based on scores for grades 4, 8, and 10 on spring 1993 TAAS, summed across the district for accreditation purposes or on campus for performance rating purposes. Each grade tested was required to have at least 21% of all students passing all tests.

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YEAR TWO: REVIEW, ANALYSIS AND EVALUATION OF 1994 STANDARDS AND RATINGS

At the beginning of the 1994-95 school year, several concerns arose related to the second round of accountability ratings issued in August. These concerns centered on the agency's decisions to delay implementation of certain academic excellence indicators, change the standards, and move ahead with an interim calculation of improvement. It may be observed that, in establishing a system, any major change made at the foundation level—standard, methodology, test instrument—is to be avoided. The stability of the system in forming a base is critical.

However, for 1994, the agency changed the basic computation of the TAAS standard from accounting for all tests taken to accounting for each test per subject area. Further, computation for the TAAS standard changed from 20% passing to 25% passing. Although the latter has the appearance of raising the standard, the probability of passing *all* tests taken—whether three tests (reading, math and writing) at grades 4, 8, and 10, or two (reading and math) at other grades—is *always* less than the probability of passing one test.

Other TAAS standards were changed for "exemplary" and "recognized" ratings. An additional standard required TAAS performance standards to be met by each student population. The attendance standard changed to an average of 94% for both top ratings.

Also, an interim standard was established for required improvement. The agency initiated implementation of this "growth" standard based on the change in TAAS scores from 1993 to 1994 for grades 4, 8, and 10 in reading, writing and math. Required improvement was used in two ways for determining the 1994 ratings: (1) to distinguish a "recognized" rating, and (2) as a way for campuses or districts to earn a way out of "low performing." The computation for "required improvement" required two calculations for comparison. The calculations are summarized in the equation:

[State Standard - Past Performance] / 5 years = % Change Needed to Meet State Standard]

where the State Standard = 90% for "recognized" districts and campuses, and
the State Standard = 50% for "low performing" districts and campuses

It is a questionable practice from a statutory standpoint that the agency chose to apply the required improvement standard to only two rating categories. The fundamental accountability concept is that all schools are to be held accountable by earning a true measure of improvement. Fortunately, this is a temporary measure. Beginning in 1995, the definition for required improvement seems to be fairly on target with the introduction of the Texas Learning Index.

The second round of ratings was based on a new process and incorporating new standards (see Table 2).

For a district or campus to attain an accredited or acceptable rating for 1994, one or more computations may apply. The following is a distillation of numerous rules that were applied in working out a rating for 1994. The final view of the process looks like three different gates to get at least "acceptable" or "accredited" ratings:

> **Gate #1.** The main gate for the school or district to gain acceptable status is to show at least 25% of the students passing each subject area—reading, mathematics and writing—across all grades tested (school) or across all grades 3-8 and 10 (district). If the school or district passes at this level, the school is automatically rated "acceptable" or the district is accredited.
>
> **Gate #2.** Failing to pass the first gate, the school or district may show at least 25% passing each subject area in grades 4, 8 and 10 to achieve an acceptable rating or accreditation.
>
> **Gate #3.** If unable to pass through the other two gates, then the school or district may show "required improvement" in each subject area for grades 4, 8, 10.
>
> If the school or district is still unable to pass after three tries, status is lowered to "accredited warned" or "low performing" for 1994.

Table 2. Summary of 1994 ratings for districts and campuses.

DISTRICTS

District Accreditation Ratings	Number of DISTRICTS (%)
"EXEMPLARY" Achieved State Standard: 90% or more of all students in the district & 90% of each student group passed each test taken + Meets dropout (<1%) & attendance (>94%) standards	6 (.6%)
"RECOGNIZED" 65% - 89% PASSING each test for all students & groups + Meets dropout (<3.5%) & attendance (>94%) standards + Meets required improvement	54 (5.2%)
"ACCREDITED" 25% - 64% PASSING	983 (94%)
"WARNED" 0 - 24% PASSING	3 (.3%)
TOTAL	1,046 DISTRICTS

CAMPUSES

Individual School Performance Ratings	Number of CAMPUSES (%)
"EXEMPLARY" Achieved State Standard: 90% or more students on campus & 90% of each student group passed each test taken + Meets dropout (<1%) & attendance (>94%) standards	67 (1.1%)
"RECOGNIZED" 65% - 89% PASSING each test for all students & groups + Meets dropout (<3.5%) & attendance (>94%) standards + Meets required improvement	514 (8.4%)
"ACCEPTABLE" 25% - 64% PASSING	5,178 (84.2%)
"LOW" 0 - 24% PASSING	54 (.9%)
TOTAL	5,813*** CAMPUSES

Source: Texas Education Agency. "Percent passing each test taken" is the percentage of students achieving 70% or more on each test in reading, mathematics and writing. Percentages for the 1993-94 accountability ratings were based on scores for grades 3 - 8, and 10 on spring 1994 TAAS tests, summed across the district for accreditation purposes or across grades of a campus for performance rating purposes. Each grade tested was required to have at least 25% of all students passing each test.

***TEA figures show actual total of campuses accounted for as 6,152—an additional 254 "alternative" campuses (4.1%) were rated "pending," and the remaining 85 campuses (1.4%) could not be paired with upper grade schools as "feeders" for ratings purposes (early childhood/kindergarten schools).

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After the last "gate" was applied for 1994 ratings, the number of low performing campuses was greatly reduced as compared with 1993 ratings, although not solely attributable to the change in standards. According to the agency, 166 campuses would have been rated low performing in 1994 using the 1993 standard instead of the 54 campuses rated low performing using the 1994 "changed" standard. This compares to 326 campuses rated low performing in 1993. In retrospect, it is unfortunate that these gains may remain unrecognized because of the shift in reporting.

In addition, the agency reports did show gains statewide from 1993 to 1994 in the percent of students passing all tests taken (see Table 3). And while gaps in achievement are still evident among student groups, actual gains by African-American and Hispanic students outpaced gains by white students and students overall.

Table 3. 1993-1994 student performance data by student group.

Measurement: Percent Passing All Tests Taken	1993 Projected Performance	1993 Actual Performance	1994 Projected Performance	1994 Actual Performance	Difference (Actual)
% All Students Passing	-	47.3%	44%	54.6%	+7.3
% African-American	24%	23.9%	24%	32.7%	+8.8
% Hispanic	28%	28.7%	28%	40.5%	+11.8
% White	58%	59.4%	60%	68%	+8.6
% Econ. Disadvantaged	26%	27.1%	26%	38.6%	+11.5

Source: Academic Excellence Indicator System (AEIS) 1993-1994 State Performance Report and additional information provided by the agency.

These improvements at the state level are clearly positive. However, the state level report did not indicate whether any changes were taken into consideration regarding percent of students taking the test overall or by student group. Further analysis is needed for a complete, comprehensive review of 1994 student performance reports, factoring in the percentage of students taking the test.

ON-GOING IMPLEMENTATION OF THE SYSTEM: MAJOR ISSUES AND RECOMMENDATIONS

The Board and the agency have adopted a five-year plan for bringing new tests on-line and using other indicators for accountability ratings (see Table 4). In addition, there are still important questions to be answered, such as how the state will calculate "comparable" improvement and rate alternative campuses. The major issues and concerns relating to full implementation of the accountability system are briefly outlined below. Recommendations related to the issue are presented.

ISSUE #1: Three years vs. two years of benchmarking and reporting before using results for accountability. State law identifies the required academic excellence indicators and allows the Board to adopt additional indicators. As the accountability system develops and more indicators and performance assessment measures are available, these will be phased into the system. As illustrated in Table 2, the agency long-range plan provides for new indicators to be phased in with a "benchmark" year followed by two "report-only" years. The fourth year of results are incorporated in the system for accountability ratings purposes.

For example, the 1994 AEIS report (issued October 15) includes performance on benchmark indicators for TAAS science and social studies results from grade 8 testing administered during the spring of 1994. Standards for these indicators will be set for implementation based on 1995 and 1996 results. The first ratings using data from science and social studies tests may be in the fall 1997 report, if the current schedule is maintained.

In this interim period of "benchmarking" and "reporting," the TAAS exit exam serves as the only academic accountability measure for high schools. One difficulty in relying on this assessment for grades 9-12 is that, according to the agency, the exit exam is based primarily on 8th grade essential elements in reading, writing and math. State-developed end-of-course exams were first administered at the high school level in Algebra I and Biology I during the 1994 spring semester. Initially, the standards for both tests were to be set in 1997. Biology I is still on track. However, Algebra I has been delayed because, according to various groups of educators, the results were "too low" and yet the test was "not rigorous enough."

Table 4. Draft of Proposed Accountability System: 5 - Year Plan (School Years 1994-95 through 1998-99)

Indicator	Use	Sept. 94 (1993-94 AEIS)	Sept. 95 (1994-95 AEIS)	Sept. 96 (1995-96 AEIS)	Sept. 97 (1996-97 AEIS)	Sept. 98 (1997-98 AEIS)
TAAS						
Mathematics, Reading, Writing	Affect Status:	All Students All Student Groups (Exemplary & Recognized Only	All Students All Student Groups	All Students All Student Groups	All Students All Student Groups	All Students All Student Groups
Science, Social Studies					Science, Social Studies (grades 4.8) All Students All Student Groups	Science, Social Studies (grades 4.8, 10) All Students All Student Groups
Wellness, Computer Based Proficiency, Oral Proficiency in Performance: Spanish[']	**Exemplary or Recognized Performance:**					**Wellness, Computer Based Proficiency** **All Students** **All Student Groups**
	Report Only:		Science, Social Studies (grades 4 and 8)	Science, Social Studies (grade 4, 8, 10) Wellness, Computer Based Proficiency.	Science, Social Studies (grade 10), Wellness, Computer Based Proficiency, Oral Proficiency in Spanish[']	Oral Proficiency in Spanish[']
	Benchmark Only:	Science, Social Studies (grades 4 and 8)	Science, Social Studies (grade 10), Wellness, Computer Based Proficiency	Oral Proficiency in Spanish[']		
Dropout Rate	Affect Status:	All Students (Exemplary and Recognized Only) All Student Groups (Exemplary and Recognized Only)	All Students All Student Groups	All Students All Student Groups	All Students All Student Groups	All Students All Student Groups
End of Course Examinations						
Mathematics, Language Arts, Science, Social Studies	Affect Status:				Algebra I, Biology I All Students All Student Groups	Algebra I, Biology I All Students All Student Groups
	Report Only:		Algebra I, Biology I	Algebra I, Biology I	Chemistry I, U.S. Government, English II	Chemistry I, U.S. Government, English II U.S. History, Computer Science I
	Benchmark Only:	Algebra I, Biology I		Chemistry I, U.S. Government, English II	U.S. History, Computer Science I	Algebra II, Science III
SAT/ACT	**Exemplary or Recognized Performance:**	**SAT/ACT** **All Students** **All Student Groups**	**SAT/ACT** **All Students** **All Student Groups**	**SAT/ACT** **All Students** **All Student Groups**	**SAT/ACT** **All Students** **All Student Groups**	**SAT/ACT** **All Students** **All Student Groups**
TAAS/TASP Equivalency[•]	**Exemplary or Recognized Performance:**					
	Report Only:	TAAS/TASP Equivalency	TAAS/TASP Equivalency		TAAS/TASP Equivalency	TAAS/TASP Equivalency
	Benchmark Only:			TAAS/TASP Equivalency[•]		
Completion of Recommended Program	**Exemplary or Recognized Performance:**					**Recommended Program** **All Students** **All Student Groups**
	Report Only:			Recommended Program	Recommended Program	
	Benchmark Only:		Recommended Program			
Attendance	Affect Status:	Exemplary, Recognized Minimum Grades 1-12 All Students	Exemplary, Recognized Minimum Grades 1-12 All Students	Exemplary, Recognized Minimum Grades 1-12 All Students	Exemplary, Recognized Minimum Grades 1-12 All Students All Student Groups	Exemplary, Recognized Minimum Grades 1-12 All Students All Student Groups
	Report Only		All Students Groups	All Student Groups		
	Benchmark Only	All Student Groups				

Those indicators which will be used to acknowledge districts and campuses for exemplary or recognized performance for those indicators only.

['] First of proficiency examinations to be developed in other languages.

[•] TAAS/TASP Equivalency will be re-calibrated beginning with the 1995-96 AEIS due to changes in these two examination

Note: Sustained Performance must be demonstrated to receive Exemplary status. Required Improvement must be demonstrated to receive Recognized status.

January 24, 1994

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The current circumstance delaying the algebra exam causes the clock to be reset back one year to allow for the full three years (benchmark-report-report) before using the results in the accountability system for high school performance. This seems particularly unnecessary because no new items are to be developed for this test. The only test adjustments to be made are to use other algebra test items already piloted and in the bank. The agency has opted for instituting two years of "report only" before the results are used for accreditation and performance ratings. This seems overly cautious. One less year of "report only" still leaves two full years of analysis of test results at both the agency and the district levels. Two years would seem sufficient prior to the third year results which would finally "count." Moreover, an additional two years of test development—a "field test" year and a "pilot" year—precede the "benchmark" year. Taken altogether, if three years doesn't seem excessive for delivering a test, five years does.

RECOMMENDATION: The agency should modify its accountability implementation by limiting phase-in of new measures to one "benchmark" year and one "report only" year preparatory to full use as a measure for accountability purposes.

ISSUE #2: Attendance rate calculation changes and delays. There are four issues related to the agency's implementation of the attendance rate standard for accountability purposes: (1) changing the calculation; (2) changing the standard; (3) use of the indicator for certain rating categories only; and, (4) implementation using prior year instead of current year data.

Beginning in 1994, attendance rates are based on the entire school year instead of calculating attendance rates from the second six weeks' reporting period. The new calculations will leave out student counts for pre-kindergarten and kindergarten. The new methodology is not so much a concern as the fact that the resulting rates are not directly comparable to 1993 rates.

Also, the annual attendance rate standard for campuses and districts decreased from 97% for exemplary and 95% for recognized ratings to 94% for both categories. This new rate seems reasonable, basically establishing the standard at the state average (94.9%). The agency is considering establishment of different attendance rates for different type campuses for 1996, which may be a better idea, since there are significantly different attendance rates for campus types:

CAMPUS TYPE	ATTENDANCE RATE
Elementary	**96.2**
Middle/Jr. High	**94.8**
Secondary	**92.8**
All Level (K-12)	**93.8**

However, no attendance rate currently is required for basic district accreditation or for acceptable campus ratings. The agency is implementing an attendance standard for exemplary and recognized ratings. This creates uneven application of indicators in holding schools and districts accountable, and without any basis in the statute. The agency indicates that it is considering implementation of this indicator for acceptable or accredited performance ratings for 1996.

Another concern is delayed reporting. Although attendance data has been available for years, the agency rationale for not using current year data is very complicated, relating to the change in calculation, the move from paper and pencil accounting to electronic reporting, the need for checking and rechecking district numbers. The agency's deadline for districts to submit attendance data is June 15. The agency can change its own deadline to meet accountability requirements.

Since districts are already motivated to count pupils for funding purposes, and the agency already audits these figures in a separate division, it would seem reasonable to require districts to report accurately their attendance data and to stand by their attendance reports for accountability purposes.

The accountability system as established evaluates performance data on schools and districts on an annual basis, which presumes all of the data is based on the same year. This requires data for all indicators, including attendance, to be submitted in a timely manner.

RECOMMENDATION: For ratings issued in August of 1995, the agency should implement attendance as an indicator for accountability purposes for all schools and districts using the current year attendance data supplied to the agency from the local level through the public education data gathering system.

ISSUE #3: "Base" indicators and "supplemental" indicators vs. mandated indicators. The agency's accountability manual for 1994 launches the idea that there is a difference between various indicators, ascertaining that some are "base" and others are "supplemental." Based on a peculiar interpretation of the accountability statute, the agency identifies the "base" indicators to include TAAS results, dropout rate and attendance rate. The remaining "supplemental" indicators include:

- TAAS/TASP equivalency rates,
- completion of a recommended high school program, and
- SAT and ACT scores.

The problem with identifying some of these latter indicators as "supplemental" is that two out of three are statutorily required. Only the SAT and ACT results are not required for accountability purposes under Section 35.041(b) T.E.C. The TAAS/TASP equivalencies of test results and the graduation rates for career or college preparation programs are cited among the six listed under that same subsection (b), and are further cited as required for determining accreditation status for districts and for campus performance under Section 35.063(b) T.E.C. The Commissioner's rationale is that the statute does not expressly prohibit these designations nor does it prohibit a nonuniform implementation of indicators. This report disagrees.

The statute clearly states under Subchapter D, Accreditation Status, Section 35.062 (b) that "The academic excellence indicators adopted under Sections 35.041(b)(1) through (6) shall be the main consideration of the Central Education Agency in the rating of the district under this section." Similar language is laid out Section 35.063, T.E.C., and other references which specifically cite Section 35.041 throughout the accountability statute.

A delay will be required to implement the TAAS/TASP equivalency rates. Since changes in the two tests are currently underway, the tests will have to be re-calibrated during the 1995-96 school year. However, because of the lengthy benchmarking and reporting process, the results will not be included on any accountability ratings until the fall of 1999. Considering the fact that implementation of the accountability system began with the fall of 1993, six years seems excessive for installing this indicator and underscores the need to shorten the "benchmark" and "report" process to two years.

RECOMMENDATION: For ratings issued in August of 1995, the agency should apply all of the indicators cited under Section 35.041 (b) (1)-(6) T.E.C. for accountability purposes for all schools and districts as required by statute, specifically as mandated by

Section 35.063, T.E.C. A delay in implementing the indicator for TAAS/TASP equivalency rates will be required since the tests will be re-calibrated during the 1995-1996 school year.

ISSUE #4: Dropout rate calculation changes. The annual dropout rate calculation was changed to reflect cumulative membership for the entire school year as the denominator, and to parallel more closely the numerator which includes all dropouts counted for the entire school year. The rate used for 1994 ratings is determined using the following equation:

$$\frac{\text{[Number of Dropouts Reported for 1992-93] - [Recovered Dropouts \& Approved Changes]}}{\text{Cumulative Membership for 1992-93}}$$

The dropout rate standard remains set at 1% for "exemplary" ratings, and 3.5% for "recognized" ratings. And although the standard for an "acceptable" rating remains at 6%, it has not been used yet.

Like the attendance rate, the dropout rate has been used only for "exemplary" and "recognized" ratings. This indicator is proposed to be used for all rating categories in 1995.

Another problem, the same concern addressed for attendance: dropout data is reported a year late. School districts do not report dropouts for a given year to the agency until the fall of the next school year. This allows districts to count "recovered dropouts" that show up for summer school.

Gaining students over the summer is the same number, no matter when it is counted. It doesn't matter which year you attach it to. Adjusting the dropout data gathering cycle would bring it into congruence with the accountability system cycle. Further, it may be more aligned with the principle of the statutory requirement to assess schools and districts on the "degree of change from one school year to the next in performance on each indicator."[7] It seems reasonable to require schools and districts to report dropouts at the beginning of June and make any adjustments that occur because of summer school in the following year.

RECOMMENDATION: For ratings issued in August of 1995, the agency should move to current year reporting of dropout data for accountability purposes.

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[7] Sec. 35.041(b), T.E.C.

ISSUE #5: Performance by student groups. The accountability statute requires that ratings are to be disaggregated by student characteristics for gender, race, ethnicity and socio-economic status.

The state's commitment to close the learning gap between student groups holds schools accountable for significant differences in student achievement by comparing results by student groups—whites, Hispanics, African-Americans—and low socioeconomic status. The agency has marked these groups well for accountability purposes. A checklist provided in the 1994 accountability manual is comprehensive in displaying what will be expected in accounting for each subgroup by each indicator.

Student group comparison standards will be difficult for many schools and districts. Although there has been no evidence of the agency's backing off from implementing student group performance for 1995, there is concern for follow through. This is because the same commitment to implementing student group performance for ratings purposes was made in the 1993 accountability manual for implementation in 1994, but then action was delayed for another year. Also, TAAS test score exemptions for students enrolled in bilingual programs recently were extended to include students in ESL programs, which considerably broadens the cast of the exemption net. And, the rule allows a district to apply for this waiver up to three consecutive years. Potentially, TAAS scores for large numbers of students could be excluded from the reports of test results which could impact the accountability ratings for schools or districts.

RECOMMENDATION: Beginning with the 1995 report of results and ratings, the agency should not delay further by schedule or by rule an accounting for achievement by student groups for ratings purposes.

ISSUE #6: Calculating comparable improvement. The agency defines "comparable improvement," based on the statutory language which calls for measuring campuses and districts against a profile developed from a state total student performance data base which exhibits substantial equivalence to the characteristics of students served by the campus or district, including, but not limited to, past performance, socio-economic status, ethnicity, and limited English proficiency.[8]

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[8] Sec. 35.041(c), T.E.C.

The concept of comparable improvement takes into account certain uncontrollable contextual characteristics which may exist in a school or a district in order to hold these constant in comparing TAAS performance among schools with similar characteristics.

The calculation for comparable improvement has not been established. The agency is considering several methods, including regression analysis. However, it is at this point that the state has hesitated, apparently concerned that regression may be too hard to explain.

Anxiety about understanding regression analysis may be unfounded, since the state's second largest school system—Dallas ISD—is using it with some degree of popularity with the schools and the public.[9]

Basically, statistical regression can be used to look at where we've been and to project where we are headed—how far, how fast, by how much, etc.—if we stay on that course.

First, it is important to know where we have been. In a state as vast in contrasts as it is in regions, it is necessary to provide measures that take into account all kinds of conditions and differences. In establishing an equal basis for rating student achievement across the state, it is important to smooth out contextual differences. Many studies show that test score performance is highly correlated with student socioeconomic background and other environmental factors. Therefore, it is absolutely necessary to take these differences into account in holding schools accountable for student performance measured against statewide standards.

Next, it is important to be able to show where we are—what position? what level? who else is like us and where are they? One of the benefits of regression analysis is that some uncontrollable conditions can be held constant to compare schools with similar characteristics. Regression analysis at the state level can be used both to measure each school against its own individual record of performance over time, and to measure against achievement records of comparable schools, to get the statewide picture on academic improvement as mandated.

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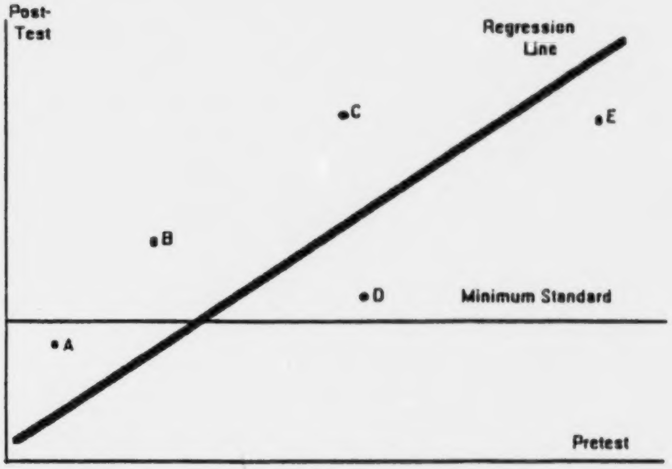
[9] A discussion of the methodology used by Dallas ISD is presented by William J. Webster, Robert L. Mendro, and Ted O. Almaguer in "Effectiveness Indices: A Value Added Approach to Measuring School Effect," an unpublished paper presented at the National School Board Association Annual Meeting, April 1994 (New Orleans).

Support for using regression analysis for these purposes is evident throughout the large body of effective schools research literature which shows that certain factors in the school can be related to a school's effectiveness in promoting high student achievement.[10]

Regression is an "equal opportunity" methodology, since schools derive no particular advantage or disadvantage by having, for example, students from high- or low-income families. Minimum standards systems such as the current Texas system can punish schools that are actually gaining, and reward schools that are just "born" that way. For example, it has been shown consistently in school research that students from so-called "advantaged" homes are high scorers on standardized tests. These high TAAS scores—consistently maintained—are always going to be rewarded. It is being "born on third base but getting credit for hitting a triple."

Regression analysis levels the playing field.



This graph simplifies regression concepts for purposes of illustration.

The graph above demonstrates why minimum standards systems fail as stand-alone systems, and how a regression line can make the system fair.

The graph shows a hypothetical situation where the average effectiveness scores for five schools (A, B, C, D, and E) are shown on a regression graph with an overall minimum standard drawn across the graph (horizontal line). Assume that A, B, and C had school averages high enough above the predicted regression line to qualify them for state awards, and that D and E were near the bottom of the rankings with their averages below the minimum standard.

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[10] A later section of this report describes similar findings of the EEPC research on effective schools.

School A falls below the minimum standard and is labeled "low performing." The rest are at least "acceptable" because they are above the line. However, consider schools D and E. Both schools exceed the minimum standard; yet, both are less effective with their students than the expected average for those "types" of schools (which is represented by the regression line). In other words, compared to similar schools with similar student achievement levels from prior years and similar student socioeconomic backgrounds, D and E are considerably *below*, or less effective than, other schools.

Considering C and D, school C is much more effective with its students than school D. Yet under the minimum standards system, both would be seen as the same. Using a regression analysis, it is plain that school C should be rewarded for its outstanding effort producing student achievement levels well *above* the average performance level for schools comparable to it.

Further, among schools that are "born on third base," school E's students are performing far below the average of other students in schools just like it. In essence, it is failing to move those higher ability students ***far enough ahead.***

Schools with students who exceed the performance of similar students are effective schools. Schools with students who fail to meet the performance level of similar students are not as effective, even if they can meet minimum standards.

This is what the statute requires the accountability system to do: to show "comparable improvement"—or the lack of it—by showing how a district or a school stacks up against its peers.

RECOMMENDATION: The agency should use regression analysis in analyzing data for showing comparable growth within peer groups.

ISSUE #7: Calculating required improvement. As was mentioned in the section on the 1994 standards, a transitional methodology for calculating required improvement was used in the 1994 ratings for "recognized" schools and districts and for moving from a "low performing" to "acceptable" rating. While this is a temporary measure, districts and campuses will continue to have a choice for implementing the most advantageous methodology for 1995:

(1) using the same computation as the previous year, and extending it to include all grades and for all student groups, **or**

(2) using the new computation for the Texas Learning Index (TLI), which may be represented in the equation

Current year - past year performance = 1 Year Change in Performance

The TLI is a longitudinal index (defined below) to measure growth in individual student performance from one school year to the next. No TLI standards for required improvement will be established until the spring 1995 scores are in; however, the agency has established that one year's growth on the index will be the expectation.

Using the TLI to determine required improvement changes the focus from achieving state standard performance within five years to achieving passing scores on the exit-level TAAS prior to graduation. This means that required improvement could reflect either a lengthened or shortened time available to meet the passing standard at the exit level. For 3rd graders, up to nine years would remain for growth—for 8th graders, very little time is left.

The index is defined as the grade level linked with the test score—specifically, grades 3-8 and exit level linked to individual student scores in mathematics and in reading. The TLI is a measuring unit used in a comparison of two years' scores to show how far the student has progressed. The state standard expectation for student growth is one year.

For example, a TLI in mathematics of "4-65" means a 4th grade level TAAS math score of 65 (percent) correct. The state "passing rate" is 70% of the items correctly answered in each subject area. Continuing with the same example, TLI = 4-65, since the score is under the passing rate of 70, the student did not actually pass the test. However, if the same student scored 3-45 on the previous year's test, the new score shows that the student actually gained more than a year's growth (i.e., 20 points over the required growth of one year, which would have been 4-45). Therefore, the student meets the state standard which requires at least one year's progress.

To summarize the use of the TLI in computing required improvement:

- **In 1994,** the first TLI "score" was reported on each student's TAAS Confidential Student Report. This report was sent to parents showing their child's 1994 spring TAAS reading and mathematics scores. The TLI cannot be used to show progress at the school and district level until after the 1995 TAAS administrations.

- **In 1995,** a transition year, districts and schools will be rated for performance based on the TAAS (25% passing standard for each test) or show required improvement gains using the TLI (as in 1994) and/or show comparable improvement (still yet to be defined in detail).

- **Fall 1996** is scheduled to be the first full implementation of TLI standards for showing required improvement, based on student progress in reading and mathematics across all grades tested.

RECOMMENDATION: Beginning in the Fall of 1995, the state should fully implement the Texas Learning Index as the primary unit used to calculate required improvement and to support the state standard requiring one year's growth in reading and mathematics.

ISSUE #8: The Family School Report Card. At this point, the accountability picture starts with a test and ends with a rating. There is more to it, such as attendance and dropout rates. But, the question "what'd we get?" and that grade is the first thing taxpayers and parents expect to see on the School Family Report Card. The second thing is how that grade stacks up with other schools in the district or region.

The statute lists most of the AEIS statistics (test scores, attendance, dropout rate) and more, such as pupil-teacher ratio, to be included.[11] However, the purpose of the report card is more than providing statistics. Care is required in reporting so that the numbers mean something.

For example, parents should have a few comments from the school principal, perhaps in a small space or "text box" built into the report card. The principal should be able to point to an academic strength that the school will build on, and/or how the school is going to address a specific problem, and/or a personalized comment on a significant event in the life of the school that relates to performance. In three sentences or less.[12]

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[11] See Sec. 35.043. Campus Report Card, T.E.C.

[12] Maryland uses this style of report card at the county level.

The final form of the current report card resembles the stock market pages from the *Wall Street Journal*. Several charts compare no fewer than 16 different bars on a line. The purpose of the report card is to present a clear—but brief—picture of the school's achievement in a language and a format that is easily grasped by students' parents. It should be more like a two-page snapshot. It should not be a lengthy statistical document.

RECOMMENDATION: The school report card to parents should use plain language and illustrations in describing the performance of the school on no more than two sides of a single page. The school performance rating should be prominently displayed at the beginning with a space set aside for comment by the principal about the school's performance and highlights of the school year.

Also missing on the report card is the percentage passing "all tests taken." When the agency changed the computation of the TAAS from "all" tests taken to "each" test taken the longitudinal data was lost that could have shown the gains that were so touted at the state level. In retrospect, it is unfortunate that these gains may remain unrealized because of the shift in reporting. In fact, regardless of the changed standards, the information is important, and particularly at the campus level. "Each" test taken shows valuable information, but only in pieces. "All" provides an undivided view of the total picture of performance across the school. Parents should be able to see both.

RECOMMENDATION: The school report card should show how many students passed both "all tests taken" and "each test taken" to get the whole school picture on student performance. At the state level, for the first two accountability ratings reports, the agency has published estimates of low performance on a statewide basis to show results of both "each" and "all" tests measurements of public school performance. This practice should be continued and should include all ratings categories, by district and by campus, in order to have the whole record of progress on each standard regardless of the use of one or both standards, or neither, for accountability purposes.

ISSUE #9: Accountability for alternative schools. Rating alternative campuses is still a difficult matter for districts to consider under the new accountability system. The commissioner's advisory group of school superintendents is split on the issue, debating whether to rate districts only on performance by regular campuses or to include all campuses. And this again is exclusive of special education populations.

The agency staff has suggested that districts may come up with plans for implementing standards, methodology and criteria for evaluating their alternative schools. The

Commissioner has delayed the decision for another year, proposing to rate alternative campuses as "pending" and not counted for 1994 district accreditation.

To eliminate students not in regular programs from the evaluation of districts for accountability purposes may encourage "dumping" students into alternative schools. Already the agency has begun defining separately alternative schools for "at risk," disciplinary behavior, pregnant and parenting teens, technical and career training programs, Limited English Proficient (LEP), and so on. However, the clearest need is for these schools to be included in the overall accountability system on the same basis as other schools are evaluated: student progress on the TAAS, using the TLI to show how much the students are learning, with due concern for comparing student improvement with schools with similar characteristics.

RECOMMENDATION: Alternative schools should be included in the overall accountability system on the same basis and standards for improvement as other schools.

IMPLEMENTING PERFORMANCE EVALUATION: RATINGS AND CONSEQUENCES

After identifying school and district performance ratings, the accountability statute (Chapter 35, T.E.C.) provides for specific levels of state response, which are optional to the Commissioner. Schools that qualify may apply for recognition through the Texas Successful Schools Awards System (TSSAS) for achievement of high ratings. For schools and districts with low performance, agency field personnel lead intervention teams in on-site visits.[13]

Consequences of performance ratings for districts and campuses include:

- public disclosure of results and ratings for districts and campuses;
- qualification for awards (campuses rated as exemplary and recognized) and possible eligibility for additional awards (campuses rated as acceptable);
- development of student performance improvement plans at both district (accredited warned) and campus (low performing) levels;
- a public hearing on deficiencies;
- an on-site peer review process to determine the quality and extent to which the district or campus with lowered status is engaged in planning and enacting changes that reflect good direction and appropriate program improvements;
- appointment of an agency monitor to observe, or a master to oversee, activities in the district;
- appointment of a management team or board of managers to exercise the duties of the school board in management of the district or a campus; and,
- annexation of a district, or closure of school program at a campus.

Shown earlier in Table 1 were the 1993 results, which included 326 campuses in 78 districts rated as low performing. As provided in the statute, on-site peer review teams visited each district rated as accredited warned and each campus rated as low performing, based on the results of performance on the academic indicators.

Following is a review of the implementation of the intervention team site-visit process, and one case study detailing a sample intervention team visit to a low performing school.

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[13] The 1994 agency accountability manual provides a detailed description of indicators and criteria used for the 1993-94 TSSAS awards (pp.46-47).

School performance evaluation: A detailed analysis of the implementation of the Texas School Improvement Initiative (TSII). If the AEIS is the heart of the Texas public school accountability system, the TSII cadre of trained peer evaluators is the pulse. Established in 1988 by former commissioner W.N. Kirby as a type of "principal academy," the Texas School Improvement Initiative is a synergistic training program: the total effectiveness of the program is greater than the sum of its individual events. A small, highly-qualified and experienced team of agency consultants are TSII trainers, producing five 4-day conferences during the summer months in regional sites. The TSII program currently operates with a corps of more than 3,000 inservice educators in schools and districts across the state—primarily principals, but also counselors, teachers, central district staff and curriculum specialists.

The success of the TSII may be critical as a change strategy for improving student achievement in low performing schools. Operating directly out of the office of accountability, this training initiative may be the determining factor in establishing the validity and the credibility of the new accountability system as it is brought "home" to the campus level. The reason for this is clear: principals listen to other principals, teachers speak the same language, and everybody knows when there is truth in the room about what is wrong with a low performing campus and how to turn it around.

Three aspects of the TSII training sequence and team site visits to low performing schools account for its current success:

(1) the quality and expertise of agency staff in peer-review techniques, program evaluation strategies, and delivering a "true picture";
(2) the increasing reliance on training by practical "real world" application and role-playing instead of lecture and presentation; and,
(3) the high degree of congruence between training and what actually happens in intervention team work on a low performing campus.

The peer team system provides the infrastructure of the new accountability system. Districts have provided key support in sending school and central administration personnel to TSII training and out to do the team work in the field. The program is so effective, even school board members want to get into the act, which may not be a bad idea.

Under the current system, expenses of peer review intervention teams are shared by the agency and the districts—both for sending personnel to TSII training and for sending personnel to be part of intervention teams on site. Down the road, it may be more appropriate for receiving districts to defray the expenses of intervention teams.

Consideration should be given to supporting intensive staff retraining and development for personnel at low performing schools and districts through the TSII program. Partnerships formed between low performing and high performing schools and districts have proven value. Through TSII training and intervention experiences, those partnerships may prove to be the most vital sources of support available to the teachers and principals who need the most help.

RECOMMENDATION: The state should continue to support the implementation of the Texas School Improvement Initiative in providing training and intervention teams to low performing schools. School board members should be included in TSII training and intervention or other appropriate roles in visiting low performing districts and schools. The agency should expand and support the TSII program at the level necessary to provide service to all low performing schools in the state.

How campus-level intervention works in low performing schools. During the 1993-1994 school year, 326 low performing schools were scheduled for intervention team visits. Section 35.121 of the accountability statute provides authority for a campus intervention team to (a) conduct comprehensive on-site evaluation, (b) recommend actions, including reallocation of resources and intervention for individual administrators or teachers, (c) develop a campus plan for student achievement, and (d) monitor the progress of the campus in putting the plan into effect.

A typical intervention team is made up of practicing educators from schools and districts similar to the campus to be visited. All team members have been sent by their local districts to one or more TSII training sessions. A team may include two school principals, a district administrator, a counselor, a teacher, and an agency expert to act as report writer and general guide through the process. An agency expert or one of the team members, based on experience and TSII training, may act as the team leader.

An intervention site visit to a low performing school occurs over a 3-day period, beginning with an entry conference at the district office and school campus. At the school, the campus site-based decision making (SBDM) committee, faculty and staff describe the total school operation, student performance, general and special programs, budget and expenditures, community involvement, staff development needs, and an outline of the campus improvement plan underway.

During the following days, team members spread out to interview all or most of the teachers, the principal and staff, contact parents or other community members, and make all efforts to gather information about the school process. All team time is focused on finding out what doesn't work and what can be done about it.

TSII training includes a "tough love" approach to needs analysis. For example, intervention team leaders do not encourage school personnel to showcase successful programs but to concentrate on what is not working and why, and what options are available. This is because the overriding reality is 75 percent or more of students taking the TAAS failed one or more tests.

Many areas of school operations are analyzed by the intervention team. General questions addressed include: Is there alignment of expenditures and priorities? What school factors such as health and safety, student time on task, faculty and staff expectations, and instructional leadership appear to be negatively affecting student performance? What is the level of parent and community involvement? What is the school climate for learning? The team meets often to analyze information gathered, to find gaps in information to be filled in by interviews, to review options, etc.

At the end of the two-day interview and report writing period, the team meets again with the principal to show its findings and recommendations, receive any response, and clarify any concerns. Immediately following, the team leader reads the report to the campus committee and provides opportunities to discuss findings and recommendations. Often this assembly also includes the extended campus family—district personnel, one or two school board members and the school's faculty and staff.[14]

All findings and recommendations are summarized for all low performing schools in the district. The teams compile campus reports and any district level findings and recommendations, and report orally to the superintendent. A final written report is produced at the central agency and sent to the district within six weeks.

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[14] During the first year, the agency discouraged any discussion of the report by the intervention team with school personnel other than with the principal. While the concern was to prevent emotional engagement during a period of high stress, it also created awkward and artificial presentations to school personnel. New agency training for 1994 intervention replaced this practice with round-table discussions. This kind of prompt program adjustment by the agency's TSII administrators in response to field experience is commendable and should be replicated throughout the system.

Results of intervention site visits: A case study. For the purposes of this report, several low performing campus site visits were monitored and evaluated during the 1993-1994 school year. Several aspects of the intervention team process were observed, including: the TSII summer training content and process; the role of the principal and the SBDM committee in the intervention process; faculty/staff interviews; team decision making and report writing; the agency role; district and campus preparation for the site visit; campus personnel, students, and parents responses to the site visit; and the district role.

For the purposes of this report, the aspects of the intervention process evaluated are:

(1) the performance of the agency, school district, campus principal and site-based decision making committee in the intervention process overall;

(2) articulation of accountability TSII training and the information gathering and reporting process at the school site; and,

(3) the alignment of team findings and recommendations.

TSII intervention team activities at seven school sites were observed during the 1993-94 school year. Sites were selected at random. The following observations summarize the major issues deliberated by one intervention team observed on site. This summary illustrates and represents a good range of agency, district and campus activities observed on all sites visited.

Material presented here is taken from observations of team activities—training, preparation, on-site meetings, interviews, writing sessions, and final presentations. Other information was gathered from separate interviews with faculty, and other individuals involved in the process, about the process. Interview material for the purpose of evaluating the accountability system and implementation is taken directly from, but not directly attributed to, principal, teachers, other available staff, parents, individual and classes of students, and individual team members during the intervention team site visit. Some schools were revisited for evaluation of intervention program follow-up, and 1994 TAAS results. One of the ten schools visited—Royal Intermediate—provides a good view of the actual activities and findings of TSII team work.

Royal Intermediate School, Royal ISD. Royal ISD is located in Waller County, with a total enrollment of 1,359 students in 5 schools.[15] The total student population ethnic make-up is approximately 30% white, 44% African-American, 26% Hispanic. The district's percentage of economically disadvantaged students is 3.2%. Total enrollment is 350 students at the Intermediate School (grades 3-5); less than 1% of the total enrollment of the school is "disadvantaged." The school's 4th grade spring 1993 TAAS pass rate for all tests taken was 16.7%.

The intervention team included two agency TSII consultants, a superintendent, two elementary school principals and an elementary teacher, each from small districts with less than 1,000 total enrollment. The superintendent was the appointed team leader. The team on-site visit occurred February 15-18. The following observations are from the team report filed with the agency and are public record.

Team observations. The district level performance relative to assessment of a low performing campus reflected severe administrative and governance problems. The superintendent was very recently removed from office, no improvement plan was constructed for the school, no district level decision making committee had been appointed prior to two weeks of the arrival of the intervention team, and there was a general lack of communication between the school board, the administration, and the school. The school board was uninformed about the "particulars of scores" or other school problems, and learned of the intervention team process just prior to the site visit.

At the school level, the previous year was characterized by high faculty absenteeism and lack of administrative instructional leadership and support for academic programs. A new principal came in at the beginning of the 1992-93 school year, formed a campus SBDM committee early in the year on her own initiative, and instituted several measures to tighten up the school program and classroom control.

Long recesses outdoors were eliminated, faculty sign-in/sign-out procedures were instituted, and the school organization was returned to contained classrooms. Teachers began new team planning by grade level, and both teachers and the principal engaged the staff development services provided by the Region IV education center. The "Texas Excellence and Equity Initiative" program at the regional center focused the faculty on instructional strategies for increased student achievement.

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[15] For purposes of this report, 1992-93 figures on enrollment and other data are used.

The lead agency consultant for the intervention team contacted the principal in September primarily to dispel anxiety about the site visit that would occur sometime during the 1993-94 school year. Nevertheless, as observed at all sites, arrival of the team on campus produced noticeable nervousness on the part of students as well as faculty. Also, as was commonly noted at each site, much apparent readiness activity had taken place—whether provided by the district, the school or parent—such as "Welcome TSII" signs in the front yard or on a bulletin board, the smell of fresh paint in the halls, and new potted plants on the porch.

Team findings. Peer Team Intervention findings through interviews and observations at Royal Intermediate School that relate directly to the monitoring and evaluation of the accountability process were reported as follows:

- No district improvement plan;
- District-level Decision Making Committee (DMC) role unclear, no sanctions if school board fails to appoint district DMC, no authority for DMC decisions;
- Need for in-depth school needs assessment that includes all staff, parents, teacher surveys, and including survey and analysis of special populations;
- Need for massive staff development and retraining in instructional programs and teaching strategies, not using only a one-size-fits-all prescriptive program;
- Need for expansion of resource allocation based on detailed analysis of school instructional needs and strong staff development on concept, parameters, utility of SBDM committee;
- Need for program evaluation strategy and training; and,
- Need for more clarity about the specific assessment of student and teacher behaviors that contribute to poor achievement.

RECOMMENDATION: Districts should provide intensive staff development training for personnel in low performing schools, using all current state mandated staff development days and additional days granted through agency waivers, specifically to focus on areas diagnosed as needing improvement based on the intervention team report and campus improvement plan.

Observations and findings on the Royal intervention team and on the intervention process. Supplementary interviews to evaluate the role and performance of the intervention team were very positive about the TSII process. Faculty and staff interviewed believed that the intervention team had an accurate picture of this school in its final presentation of findings and recommendations, and that the recommendations were on target.

Opinions about the overall effect of the accountability system on the local level were also positive. A common comment was that the public notice on the low school rating got results from the district on projects or lists of needs that had been posted for months or, in some instances, years. The school SBDM committee specifically stated that it was looking for support from TSII recommendations to "carry some weight" as leverage with the district, to "legitimize" school program needs and to address improvement needs at the district level.

These and other similar findings from campus exit interviews support strong action by the campus and by the district on intervention team recommendations and the campus improvement plan. Consensus opinion about the TSII team findings was that some follow up would be necessary to insure action. And comments strongly supported evidence of action in the second year of intervention as absolutely necessary to the district and campus commitment to change in the school.

If improvement is not apparent from a follow up visit, a firm commitment from the state to take necessary actions, such as to require alternative management at the school level after two to three years of inactivity and continued low performance, is warranted. This is consonant with the recommendation of the Joint Select Committee to Review the Central Education Agency to require districts to seek options, including charter school contracts, for management of schools with two consecutive years of low performance.

RECOMMENDATION: The state should require districts with schools that have been rated low performing for two consecutive years to seek proposals for other management systems, including charter schools. Proposals should establish the baseline indicators and expected performance gains. Any district decision to retain management or to substitute district personnel for management of a low performing school would require the Commissioner's approval.

A final overall concern from a review of the total evaluation picture on this school, as well as all schools observed during the year, has to do with accountability for a significant number of students not currently counted as part of the school achievement picture. Of the total students in Royal Intermediate, 5.7% (20 students) are enrolled in programs as limited in English language skills, and 9.1% (35 students) are students enrolled in special education. So, approximately 15% of the students on this campus will not be accounted for in the learning process. Although the statute currently exempts all special education students, not accounting for the progress of these and other special population students who can show progress in an appropriate assessment of their abilities as a part of the public education system is questionable.

RECOMMENDATION: The state should integrate appropriate assessment of learning for special populations within the accountability system, such as the "Results Based Monitoring" program developed and implemented by the agency, and the results should be reported in the district performance report and school report card.

Holding the accountability system accountable. Although there is an informal evaluation process within the agency on how well the system is working, the benefits may not be fully realized at a systemwide level. It takes directed and consistent evaluation to maintain and improve a process as expansive as the accountability system. Field agents sharing experiences over the water cooler is one way of doing it. Agents sitting around a conference table comparing field notes is a better one.

From interviews conducted with agency personnel at the school sites, the consensus is that the overall accountability process is generally working well. However, several notes were taken on issues or quirks in the process that could be improved to make the system run better, faster, smoother, etc. Now, in the early stage of implementing the accountability system, is the most urgent time for establishing internal review, evaluation, and systematic change based on the reports from the front lines.

Critical to the health of any organization that depends on the success of its field operations is the feedback loop that accurately reports how it's going "out there." In evaluating the state accountability system, regular feedback (electronic is preferable to paper) from intervention teams—data about the *types or kinds* as well as the substance of recommendations being made in the field, observations on why things do or do not work in some schools, similarity or dissimilarity of problems noted going from one school to the next, etc.—is crucial to the effectiveness of the overall accountability system at work where it counts: *at the school level.* To paraphrase a popular adage, as the school goes, so goes the district, and the state.

RECOMMENDATION: The agency should formalize evaluation of its service to low performing schools. In organizing the flow of information from the agency to the field and back through the agency, the agency should maximize use of the state's computer network and information systems and discourage increased paperwork demand on school districts.

Looking ahead: The need for effective schools surveys. Accompanying intervention teams to schools around the state reveals much about the process, as well as the content of site activities. For example, it is apparent that differences between faculty morale at one school and the next could be tied to the instructional leadership ability of the principal. Expectations on the part of the principal and faculty are not well tracked, but in interviews there is the sense that they vary significantly between schools.

Recognizing the importance of providing real data in low performing schools, the Educational Economic Policy Center (EEPC) 1992 accountability study[16] incorporated both interview and item survey data to find out if one complemented the other in an explanatory way. The EEPC accountability study conducted site interviews and surveys at 176 schools throughout the state. Interviewers used the Texas School Effectiveness Record, a questionnaire designed by the EEPC for school personnel on issues related to school accountability. The interview questionnaire was comprised of 11 open-ended response items for obtaining opinions on major school objectives, factors most responsible for school excellence or poor performance, principal and teacher accountability, and leadership.

Another formal survey instrument, The Effective Schools Survey, was also administered in each school as a second part of the on-site accountability research. The Effective Schools Survey is comprised of approximately 150 items (using a bubble-in response format) and was originally developed and field tested by the San Diego County Office of Education, based on the effective schools research conducted over the last 25 years.

The EEPC study team considered several aspects of the school effectiveness picture. For example, teachers at School A in an old facility may appear to have more control of their classrooms although the noise level is high, and the classroom doors are all open.

School B is also old, but has more students in the halls or standing around outside during class time. Most classroom doors are closed. There are as many portable buildings at

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[16] Generally as reported in *A New Accountability System For Texas Public Schools, Vols. I-III.* Educational Economic Policy Center, State of Texas. January, 1993.

School A as there are at School B. The two schools serve the same neighborhoods, have the same number of advantaged and disadvantaged students, and are only a few blocks apart.

One school is low performing, the other has high student pass rates on the TAAS. Why? Beyond paint and grounds maintenance, what accounts for the difference?

Information gathering through interviews and individual observations such as these often provide the only insight ("soft" data) on aggregated and disaggregated student scores, dropout and attendance ("hard" data). Even using careful and consistent interview formats to support the "findings" from a walk down the hall, it is difficult to report a sense of what might be at the bottom of the problems evidenced in scores or in talking with teachers and the principal.

No statistical data on the school process are generally used in school "needs assessments"—whether by principals or by state personnel assigned to a low performing school—to identify what is happening.

There is always some reservation about discussing "process" issues instead of hard scores which can be measured and analyzed. There is, however, a general wisdom among school people and everyone else that how learning occurs in a school may be as important as what occurs. One of several research objectives by the EEPC accountability study team was to provide some "hard" data on the school process from an inventory of actual behaviors and conditions in the school which might be used to support the "soft" assessment from interviews.

The results were remarkably clear. The study affirmed that schools can and do have a major impact on student learning. There is a "school effect" that can be measured to differentiate School A from School B in a meaningful way. Factors that can be controlled and that make a difference include curriculum content, student monitoring and testing, school environment, instructional quality in the classroom, staff development and support, and instructional leadership in the school.

Specifically, the data from the EEPC study show that student TAAS scores significantly correlate with underlying qualities in school climate and learning conditions, regardless of poverty level. These data corroborate similar findings in the larger effective schools research arena.

More importantly, for the purposes of this report, these study findings support using effective schools survey results to provide important data about low or high performing schools that are not otherwise available from TAAS scores, dropout rates, and attendance figures.

The evidence is conclusive in favor of developing and incorporating an effective schools survey in low performing schools to get more information about problems to be addressed. This type of survey can provide missing data and generally be used by intervention teams as a diagnostic tool to supplement interview material.

Also significant are the findings and conclusions of the EEPC study which corroborated the several related findings of need cited in on-site intervention reports, and cited in supplementary interviews with principals, agency and school personnel on intervention teams. Principals in particular are familiar with the effective schools research and were in unanimous support.[17]

In July, 1994, TSII directors requested information on using the EEPC effective schools survey. The agency has included a sample copy of the effective schools survey format in the 1994 TSII summer training materials for use by intervention teams during 1994-1995 school year site visits to low performing schools.

RECOMMENDATION: The agency should implement an effective schools survey to supplement and support the current interview and observation process in low performing schools. The agency should use the survey and inventory instrument developed during the state accountability study project to systematically identify and provide an individual needs analysis for low performing schools during the intervention process. The instrument should be piloted by the agency in schools identified as low performing during the 1994-1995 school year. Results of this pilot should be evaluated and included in the annual progress report on the implementation of the state accountability system.

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[17] Of 10 principals interviewed during 1994 spring site visits, all approved using the surveys for diagnostic and intervention purposes. Two principals had already used some form of effective school survey with their faculty in analyzing staff strengths and weaknesses.

THE ROAD AHEAD

Texas has taken the bold step of mandating a public school accountability system based on the belief that all children can learn and that parents, taxpayers, the business community and citizens of this state hold their educators accountable. The challenge is to establish an accountability system that fairly evaluates and publicly reports the progress of our schools, that provides incentives for high performance, and that provides meaningful change for low performing schools.

The accountability system has had a difficult start, and yet there have been some good strides made. The Texas Education Agency has the opportunity to build on the experience of the first several months of implementation, and plans for the next five years are underway.

For the purposes of continuing to monitor and evaluate the system, some items for future review may include the following:

- *Site-based management*. Current statute and rule provide general guidelines for increasing authority to appropriate levels at the campus. However, no standards or consequences for action (or inaction) have been established. What are suitable standards for management at the campus level? What is the role of the district in coordinating and reviewing decisions at the campus level? What standards should be applied at the state level?
- *Results Based Monitoring*. The agency has successfully piloted a "Results Based Monitoring" (RBM) evaluation system for special population programs, and some discussion of future plans may include linking the RBM system with the state public school accountability system. What are the issues related to including special education students and other student populations within the overall accountability system?
- *Alternative school accountability*. Several current themes for legislative consideration—e.g., "zero-based tolerance" and removal of serious offenders and other disruptive students from the regular school program—have implications for significantly changing the role and function of alternative school programs. What are the accountability concerns and future issues relating to establishing these types of separate school programs within the public school system?
- *Assessment issues*. Current discussion is underway on how to deal with public concerns about "secrecy" of test items and other issues related to test security. And there are teachers' concerns about what is to be tested which take on greater

significance with pending revisions to the content and structure of the public school curriculum. How can testing be made fair and reliable and also meet the "trust factor" among parents and teachers? Should the actual tests given to the students be released after each administration, regardless of the costs? What are the implications of releasing some or all possible test items—an extensive and comprehensive pool that would thwart memorization and, indeed, comprise items representative of the entire required curriculum—to teachers and the public? What approaches other than portfolios or performance testing would inhibit concerns about "teaching to the test" or the inherent inequity of "advantaged" vs. "disadvantaged" students?

These are only a few of the visible issues ahead for consideration by policy makers. More general concerns to be reviewed involve the overall policy, planning, development, management, and prospects for continuing growth of a statewide accountability system that promotes excellence in learning.

Concluding concerns. All children can learn. The question is, what are they learning, and how much? And how do we know?

The reason we have an accountability system today is because of yesterday's erosion of public trust in the public schools. A trust that children are learning, that they are making progress. That trust is being regained.

Ten years of school reform legislation—from House Bill 72 to Senate Bill 7—have resulted in mandated accountability for the education of Texas school children. Educators and school board members are being held accountable for meeting educational goals and objectives. The essential elements of subjects and skills each child is expected to learn are on the books and continuously updated. Tests have been developed based on those elements. An accountability system has been constructed to report the results.

After spending several billion additional tax dollars on the schools, parents, taxpayers and the business community want to know, "Is it working yet?" We must avoid constructing an evaluation system that becomes too complicated to answer these questions. It is a matter of concern when there are special rules and formulas that eventually contradict the purpose of establishing the accountability system in the first place.

All schools can be effective schools. All schools can be held accountable. And if it isn't obvious whether a school is doing well or poorly by reading the school report card, then there's something wrong with the system. Texas has the laws on its books and the agency has the necessary tools available to implement the nation's foremost comprehensive school accountability system. The opportunity should not be lost to claim that goal.

APPENDIX

Chapter 35, Texas Education Code

CHAPTER 35. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 35.001. PUBLIC EDUCATION GOALS. The objective of state support and maintenance of a system of public education is education for good citizenship and is grounded on the conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of citizens. The goals of public education are as follows:

GOAL A: All students shall have access to an education of high quality that will prepare them to participate fully now and in the future in the social, economic, and educational opportunities available in Texas.

GOAL B: The achievement gap between educationally disadvantaged students and other populations will be closed. Through enhanced dropout prevention efforts, the graduation rate will be raised to 95 percent of students who enter the seventh grade.

GOAL C: The state shall demonstrate exemplary performance in comparison to national and international standards for student performance.

GOAL D: A well-balanced and appropriate curriculum will be provided to all students.

GOAL E: Qualified and effective personnel will be attracted and retained. Adequate and competitive compensation commensurate with responsibilities will be ensured. Qualified staff in critical shortage areas will be recruited, trained, and retained.

GOAL F: The organization and management of all levels of the education system will be productive, efficient, and accountable.

GOAL G: Instruction and administration will be improved through research that identifies creative and effective methods. Demonstration programs will be developed and local initiatives encouraged for new instructional arrangements and management techniques. Technology will be used to increase the equity, efficiency, and effectiveness of student learning, instructional management, staff development, and administration.

SUBCHAPTER B. ASSESSMENT OF ACADEMIC SKILLS

Sec. 35.021. ESSENTIAL SKILLS AND KNOWLEDGE. (a) The State Board of Education by rule shall establish the essential skills and knowledge that all students should learn to achieve the goals provided under Section 35.001.

(b) Before adopting rules under this section, the board shall consider the comments of the Legislative Education Board as required under Section 11.24.

Sec. 35.022. ASSESSMENT PROGRAM. (a) The State Board of Education by rule shall create and implement a statewide assessment program that is primarily performance-based to ensure school accountability for student achievement that achieves the goals provided under Section 35.001. After adopting rules under this section, the State Board of Education shall consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules.

(b) Before adopting rules under this section, the State Board of Education shall consider the comments of the Legislative Education Board as required under Section 11.24.

Sec. 35.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS. (a) The Central Education Agency shall adopt appropriate criterion-referenced assessment instruments designed to assess competencies in reading, writing, social studies, science, mathematics, and other subject areas determined by the State Board of Education. Assessment in reading and mathematics shall be annual for all nonexempt pupils in grades three through eight and assessment shall be periodic in other areas as determined by the State Board of Education.

(b) The Central Education Agency shall also adopt secondary exit-level assessment instruments designed to assess competencies in mathematics, social studies, science, and English language arts and other subject areas determined by the State Board of Education. The English language arts section must include the assessment of writing competencies. The State Board of Education shall administer the assessment instruments.

(c) The State Board of Education shall adopt a schedule for the administration of secondary exit-level assessment instruments. Each pupil who did not perform satisfactorily on any secondary exit-level assessment instrument when initially tested shall be given multiple opportunities to retake that assessment instrument.

(d) An assessment instrument adopted under this section may include multiple sets of questions with one set administered to each group of students assessed in order to enhance security and broaden the total curriculum elements assessed.

(e) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills. **Text of subsec. (f) effective until Aug. 31, 1995**

(f) The assessment instruments required by Subsections (a) and (b) must include assessments of social studies and science not later than the 1994-1995 school year. The State Board of Education may adopt a schedule for the addition of the assessment of those subjects at the required grade levels in phases. This subsection expires August 31, 1995.

(g) The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered uniformly in the spring. If adopted, a norm-referenced assessment instrument must be a secured test. The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this section shall report the results to the Central Education Agency in a manner prescribed by the commissioner of education.

(h) Not later than the 1994-1995 school year, the Central Education Agency shall adopt end-of-course tests for grades nine through 12 for subjects as defined by the commissioner of education and the State Board of Education.

(i) The Central Education Agency shall notify school districts and campuses of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year.

(j) The provisions of this section are subject to modification by rules adopted under Section 35.022. Each assessment instrument adopted under those rules must be reliable and valid and must meet federal requirements for measurement of student progress.

Sec. 35.024. SATISFACTORY PERFORMANCE. (a) The State Board of Education shall determine the level of performance considered to be satisfactory on the assessment instruments.

(b) Each school district shall offer an intensive program of instruction for students who did not perform satisfactorily on an assessment instrument administered under this subchapter. The intensive programs shall be designed to enable the students to be performing at grade level at the conclusion of the next regular school term.

(c) The Central Education Agency shall develop and distribute study guides to assist parents in providing assistance during the period that school is recessed for summer to students who do not perform satisfactorily on one or more parts of an assessment instrument administered under this subchapter. The commissioner of education shall retain a portion of the total amount of funds allotted under Section 16.152(a) that the commissioner considers appropriate to finance the development and distribution of the study guides and shall reduce each district's allotment proportionately.

Sec. 35.025. EXIT-LEVEL PERFORMANCE REQUIRED. (a) A student may not receive a high school diploma until the student has performed satisfactorily on the secondary exit-level assessment instruments for reading, writing, and mathematics. The State Board of Education shall adopt a schedule for the addition of satisfactory performance on secondary exit-level assessment instruments in other subject areas as a requirement for receipt of a high school diploma.

(b) Each time a secondary exit-level assessment instrument is administered, a student who has not been given a high school diploma because of a failure to perform satisfactorily on the assessment instrument for that subject area may retake the assessment instrument.

(c) A student who has been denied a high school diploma under Subsections (a) and (b) and who subsequently performs satisfactorily on each secondary exit-level assessment instrument shall be issued a high school diploma.

Sec. 35.026. LOCAL OPTION. In addition to the assessment instruments adopted by the Central Education Agency and administered by the State Board of Education, a local school district may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. A norm-referenced assessment instrument adopted under this section must be economical, nationally recognized, and state-approved.

Sec. 35.027. EXEMPTION. (a) Any student who has a physical or mental impairment or a learning disability that prevents the student from mastering the competencies which the academic skills assessment instruments are designed to measure may be exempted from the requirements of this subchapter.

(b) The State Board of Education shall adopt rules under which a district may determine if a student is eligible for an exemption under this section. The Central Education Agency shall closely monitor compliance with those rules.

(c) The State Board of Education shall adopt rules under which a dyslexic student who is not exempt under this section may utilize procedures including but not limited to oral examinations where appropriate and the allowance of additional time and the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessment instruments are designed to measure.

Sec. 35.028. COMPARISON OF STATE RESULTS TO NATIONAL RESULTS. The state assessment program shall obtain nationally comparative results for the subject areas and grade levels for which criterion-referenced assessment instruments are adopted under Section 35.023.

Sec. 35.029. MIGRANT WORKERS. (a) The State Board of Education by rule may provide alternate dates for the administration of the assessments to a student whose parent or guardian is a migrant worker and who travels with the parent or guardian. The alternate dates may be chosen following a consideration of migrant work patterns, and the dates selected may afford maximum opportunity for the students to be present when the assessment instruments are administered.

(b) In this section, "migrant worker" means an individual who is employed in agricultural labor of a seasonal or temporary nature and whose work requires the individual to be absent overnight from the individual's residence.

Sec. 35.030. CONFIDENTIALITY; PERFORMANCE REPORTS. (a) In adopting academic skills assessment instruments under this subchapter, the State Board of Education or a local school district shall ensure the security of the instruments and tests in their preparation, administration, and grading. Meetings or portions of meetings held by the State Board of Education or a local school district at which individual assessment instruments or assessment instrument items are discussed or adopted are not open to the public under Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the assessment instruments or assessment instrument items are confidential.

(b) The results of individual student performance on academic skills assessment instruments administered under this subchapter are confidential and may be made available only to the student, the student's parent or guardian, the school personnel directly involved with the student's educational program, and the Central Education Agency as required by this subchapter. However, overall student performance data shall be aggregated by grade level, subject area, campus, and district and made available to the public, with appropriate interpretations, at regularly scheduled meetings of the governing board of each school district. The information may not contain the names of individual students or teachers. The commissioner of education shall compile all of the data and report it to the legislature, lieutenant governor, and governor no later than January 1 of each odd-numbered year.

(c) In compiling performance data under Subsection (b), a district or the commissioner of education may aggregate separately from the performance data of other students the performance data of students enrolled in:

(1) a bilingual education or special language program under Subchapter L, Chapter 21; or

(2) a special education program under Subchapter N, Chapter 21.

Sec. 35.031. COST. The cost of preparing, administering, or grading the assessment instruments shall be paid from the compensatory aid provided by Section 16.152, and each district shall bear the cost in the same manner described for a reduction in allotments under Section 16.254. If a district does not receive an allocation of compensatory aid, the commissioner of education shall subtract the cost from the district's other foundation school fund allocations.

Sec. 35.032. BIENNIAL REPORTS. The State Board of Education shall biennially report to the legislature an evaluation of the correlation between student grades and student performance on assessment instruments administered under this subchapter. The report may be included with other reports made as required by law.

Sec. 35.033. ASSESSMENT INSTRUMENT STANDARDS; CIVIL PENALTY. (a) A company or organization may not distribute to, sell to, or grade for the same school district the same form of an assessment instrument for more than three school years. A school district may not use the same form of an assessment instrument for more than three years.

(b) A company or organization that grades an assessment instrument shall report the results to the district and to the Central Education Agency by campus and district and in comparison to state and national averages, unless the agency requests a report of the results in another form.

(c) State and national norms of averages shall be computed using data that are not more than two years old at the time the assessment instrument is administered and that are representative of the group of students to whom the assessment instrument is administered. The standardization norms shall be based on a national probability sample that meets accepted standards for educational and psychological testing and shall be updated at least every two years using proven psychometric procedures approved by the State Board of Education.

(d) A company or organization that reports results using national norms that are not calculated in compliance with Subsection (c) is liable to the state in an amount equal to three times the amount of actual damages. The actual damages are presumed to be at least equal to the amount charged by the company or organization to a school district for the assessment instrument, including any charge for grading the assessment instrument. The attorney general, a district attorney, or a county attorney may bring suit to collect the damages on the request of the State Board of Education or on the request of a student or a parent or guardian of a student to whom the assessment instrument was administered.

(e) The State Board of Education shall adopt rules for the implementation of this section and for the maintenance of the security of the contents of all assessment instruments.

(f) In this section, "assessment instrument" means a group-administered achievement test.

SUBCHAPTER C. PERFORMANCE INDICATORS

Sec. 35.041. ACADEMIC EXCELLENCE INDICATORS. (a) The State Board of Education, on the advice of the Legislative Education Board, shall adopt a set of indicators of the quality of learning on a campus. The State Board of Education biennially shall review the indicators for the consideration of appropriate revisions.

(b) Performance on the indicators adopted under this section shall be compared to state-established standards. The degree of change from one school year to the next in performance on each indicator adopted under this section shall also be considered. The indicators must be based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status and must include:

(1) the results of assessment instruments required under Subchapter B aggregated by grade level and subject area;

(2) dropout rates;

(3) student attendance rates;

(4) high school end-of-course examinations adopted by the State Board of Education;

(5) the percentage of graduating students who attain scores on the secondary exit-level assessment instruments required under Subchapter B that are equivalent to a passing score on the test instrument required under Section 51.306;

(6) the percentage of graduating students who meet the course requirements established by the State Board of Education for career or college preparation program designations when available;

(7) the results of the Scholastic Assessment Test (SAT) and the American College Test; and

(8) any other indicator the State Board of Education adopts.

(c) Performance on the indicator under Subsection (b)(1) shall be compared to state standards, required improvement, and comparable improvement. The state standard shall be established by the commissioner of education. Required improvement is defined as the progress necessary for the campus or district to meet state standards and for its students to meet exit requirements as defined by the commissioner of education. Comparable improvement is derived by measuring campuses and districts against a profile developed from a total state student performance data base which exhibits substantial equivalence to the characteristics of students served by the campus or district, including but not limited to past academic performance, socioeconomic status, ethnicity, and limited English proficiency.

(d) The State Board of Education shall report the status of education in the state as reflected by the indicators to the legislature not later than February 1 of each odd-numbered year.

(e) Annually, the commissioner of education shall define exemplary, recognized, and unacceptable performance for each academic excellence indicator included under Subsections (b)(1) through (6) and shall project the standards for each of those levels of performance for succeeding years.

Sec. 35.042. PERFORMANCE REPORT. (a) Each board of trustees shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. The annual report must also include campus performance objectives established under Section 21.7532 and the progress of each campus toward those objectives, which shall be available to the public. The annual report must also include the performance rating for the district as provided under Section 35.062(a) and the performance rating of each campus in the district as provided under Section 35.062(c). Supplemental information to be included in the reports shall be determined by the local board of trustees. Performance information in the annual reports on the indicators established under Section 35.041 and descriptive information required by this section shall be provided by the Central Education Agency.

(b) The board of trustees shall hold a hearing for public discussion of the report. The board of trustees shall notify property owners and parents in the district of the hearing. After the hearing the report shall be widely disseminated within the district in a manner to be determined under rules adopted by the commissioner of education.

(c) The report must also include a comparison provided by the Central Education Agency of:

(1) the performance of each campus to its previous performance and to state-established standards;

(2) the performance of each district to its previous performance and to state-established standards; and

(3) the performance of each campus or district to comparable improvement.

(d) The report may include the following information:

(1) student information, including total enrollment, enrollment by ethnicity, economic status, and grade groupings and retention rates;

(2) financial information, including revenues and expenditures;

(3) staff information, including number and type of

staff by sex, ethnicity, years of experience, and highest degree held, teacher and administrator salaries, and teacher turnover; and

(4) program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program.

(e) The State Board of Education by rule shall authorize the combination of this report with other reports and financial statements and shall restrict the number and length of reports that school districts, school district employees, and school campuses are required to prepare.

(f) The report must include a statement of the amount, if any, of the school district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

Sec. 35.043. CAMPUS REPORT CARD. (a) Each school year, the Central Education Agency shall prepare and distribute to each school district a report card for each campus. The campus report cards must be based on the most current data available disaggregated by student groups. Campus performance must be compared to previous campus and district performance, current district performance, state established standards, and comparable campus group performance.

(b) The report card shall include the following information where applicable:

(1) student performance on state adopted assessment instruments;

(2) attendance;

(3) dropout rate;

(4) student performance on college admissions tests;

(5) student/teacher ratios; and

(6) administrative and instructional costs per student.

(c) The commissioner of education shall adopt rules for requiring dissemination of campus report cards annually to the parent of or person standing in parental relation to each student at the campus. On written request, the school district shall provide a copy of a campus report card to any other party.

Sec. 35.044. USES OF PERFORMANCE REPORT. The information required to be reported under Section 35.042 shall be:

(1) the subject of public hearings or meetings required under Sections 21.930, 21.931, and 35.042;

(2) a primary consideration in district and campus planning; and

(3) a primary consideration of:

(A) the State Board of Education in the evaluation of the performance of the commissioner of education;

(B) the commissioner of education in the evaluation of the performance of the directors of the regional education service centers;

(C) the board of trustees of a school district in the evaluation of the performance of the superintendent of the district; and

(D) the superintendent in the evaluation of the performance of the district's campus principals.

SUBCHAPTER D. ACCREDITATION STATUS

Sec. 35.061. ACCREDITATION REQUIRED. Each school district must be accredited by the Central Education Agency.

Sec. 35.062. ACCREDITATION STANDARDS. (a) The State Board of Education shall adopt rules for the accreditation of school districts. The rules shall include criteria to evaluate the performance of school districts and to assign to districts that are accredited and that have a performance in one of the categories described below an additional performance rating as follows:

(1) exemplary (meets or exceeds state exemplary

standards);

(2) recognized (meets or exceeds required improvement and within 10 percent of state exemplary standards); or

(3) accredited warned (below the state clearly unacceptable performance standard and does not meet required improvement).

(b) The academic excellence indicators adopted under Sections 35.041(b)(1) through (6) shall be the main consideration of the Central Education Agency in the rating of the district under this section. Additional criteria in the accreditation rules may include consideration of:

(1) goals and objectives of the district;

(2) compliance with statutory requirements and requirements imposed by rule of the State Board of Education under statutory authority;

(3) the relation between the academic excellence indicators adopted by the State Board of Education under Section 35.041 and the campus performance objectives established under Section 21.7532, including the manner in which the campus performance objectives were established and the progress of the campus in meeting the objectives;

(4) the quality of learning on each of the district's campuses based on indicators including scores on achievement tests;

(5) the quality of the district's appraisal of teacher performance and of administrator performance;

(6) the effectiveness of the district's principals as instructional leaders;

(7) the effectiveness of the district's campuses on the basis of the most current criteria identified by research on effective schools;

(8) the fulfillment of curriculum requirements;

(9) the effectiveness of the district's programs in

special education based on the Central Education Agency's most recent compliance review of the district and programs for special populations;

(10) the effectiveness of district and campus staff development programs;

(11) the effective use of technology to enhance student achievement;

(12) the effectiveness of the district's remedial and support programs under Section 21.557 for students at risk of dropping out of school;

(13) the effectiveness of the district's dropout prevention and recovery programs;

(14) efficient allocation of available resources;

(15) the presence and quality of comprehensive and developmental guidance and counseling programs on campuses;

(16) the quality and effectiveness of the district's vocational education program; and

(17) the effectiveness of the board of trustees in governing the district.

(c) The Central Education Agency shall evaluate against state standards and shall report the performance of each campus in a district on the basis of the campus's performance on the indicators adopted under Sections 35.041(b)(1) through (6).

Sec. 35.063. DETERMINING ACCREDITATION STATUS. (a) The Central Education Agency shall annually review the performance of each district and campus on the indicators adopted under Sections 35.041(b)(1) through (6) and determine if a change in the accreditation status of the district is warranted.

(b) Each annual review shall include an analysis of the indicators under Sections 35.041(b)(1) through (6) to determine district and campus performance in relation to:

(1) standards established for each indicator;

(2) required improvement as defined under Section 35.041(c); and

(3) comparable improvement as defined by Section 35.041(c).

(c) A district's accreditation rating may be raised or lowered based on the district's performance or may be lowered based on the unacceptable performance of one or more campuses in the district.

(d) In compliance with Section 21.925, the State Board of Education shall make optimum use of the agency's public education information management system to minimize the written reporting requirements of school districts.

(e) Beginning not later than the 1993-1994 school year, the commissioner of education shall notify a district that is rated accredited warned and the performance of the district or a campus in the district is below each standard under Subsection (b) and shall require the district to notify property owners and parents in the district of the lowered accreditation rating and its implication.

Sec. 35.064. ON-SITE INVESTIGATIONS. (a) The commissioner of education may direct the Central Education Agency to conduct on-site investigations at any time and may raise or lower the accreditation rating as a result of the investigation.

(b) The commissioner of education shall determine the frequency of on-site investigations by the Central Education Agency according to annual comprehensive analyses of student performance and equity in relation to the academic excellence indicators adopted under Section 35.041.

(c) In making an on-site accreditation investigation, the investigators shall obtain information from administrators, teachers, and parents of students enrolled in the district. The investigation may not be closed until information is obtained from each of those sources. The State Board of Education shall adopt rules for:

(1) obtaining information from parents and using that information in the investigator's report; and

(2) obtaining information from teachers in a manner that prevents a campus or district from screening the information.

(d) The Central Education Agency shall give written notice to the superintendent and the board of trustees of any impending investigation of the district's accreditation.

(e) If an annual review indicates low performance on one or more of the indicators under Sections 35.041(b)(1) through (6) of one or more campuses in a district, the Central Education Agency may conduct an on-site evaluation of those campuses only.

(f) The investigators shall report orally and in writing to the board of trustees of the district and, as appropriate, to campus administrators and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers.

Sec. 35.065. SPECIAL ACCREDITATION INVESTIGATIONS. (a) The commissioner of education shall authorize special accreditation investigations to be conducted under the following circumstances:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment are determined;

(3) in response to complaints submitted to the Central Education Agency with respect to any of the following:

(A) alleged violations of civil rights or other requirements imposed on the state by federal law or court order; or

(B) alleged violations of the accreditation criteria related to effective governance operations; or

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements.

(b) Based on the results of a special accreditation investigation, the commissioner of education may lower the district's accreditation rating and may take appropriate action under Subchapter G.

Sec. 35.066. AGENCY ASSISTANCE. The Central Education Agency shall provide assistance to districts which have been found to have difficulty meeting accreditation standards.

SUBCHAPTER E. SUCCESSFUL SCHOOLS AWARDS

Sec. 35.081. CREATION OF SYSTEM. The Texas Successful Schools Awards System is created to recognize and reward those schools and school districts that demonstrate progress or success in achieving the education goals of the state.

Sec. 35.082. TYPES OF AWARDS. (a) The governor may present a financial award to the schools or districts that the commissioner of education determines have demonstrated the highest levels of sustained success or the greatest improvement in achieving the education goals. For each student in average daily attendance, each of those schools or districts is entitled to an amount set for the award for which the school or district is selected by the commissioner of education, subject to any limitation set by the commissioner on the total amount that may be awarded to a school or district.

(b) The governor may present proclamations or certificates to additional schools and districts determined to have met or exceeded the education goals.

(c) The commissioner of education may establish additional categories of awards and award amounts for a school or district determined to be successful under Subsection (a) or (b) that are contingent on the school's or district's involvement with paired, lower-performing schools.

Sec. 35.083. AWARDS. (a) The criteria which the commissioner of education shall use to select successful schools and districts shall be related to the goals in Section 35.001 and shall include consideration of performance on the academic excellence indicators adopted under Section 35.041. For purposes of selecting schools and districts under Section 35.082(a), each school's performance shall be compared to state standards and to its previous performance.

(b) The commissioner of education shall select annually schools and districts qualified to receive successful school awards for their performance and report the selections to the governor and the State Board of Education.

(c) The Central Education Agency shall notify each school district of the manner in which the district or a school in the district may qualify for a successful school award.

Sec. 35.084. USE OF AWARDS. (a) In determining the use of a monetary award received under this subchapter, a school or district shall give priority to academic enhancement purposes. The award may not be used for any purpose related to athletics, and it may not be used to substitute for or replace funds already in the regular budget for a school or district.

(b) The school committee established under Section 21.931 shall determine the use of the funds awarded to a school under this subchapter. The professional staff, as that term is used in Section 21.930, shall determine the use of the funds awarded to the school district under this subchapter.

Sec. 35.085. FUNDING. The award system may be funded by donations, grants, or legislative appropriations. The commissioner of education may solicit and receive grants and donations for the purpose of making awards under this subchapter. A small portion of the award funds may be used by the commissioner of education to pay for the costs associated with sponsoring a ceremony to recognize or present awards to schools or districts under this subchapter. The donations, grants, or legislative appropriations shall be accounted for and distributed by the Central Education Agency. The awards are subject to audit requirements established by the State Board of Education.

Sec. 35.086. CONFIDENTIALITY. All information and reports received by the commissioner of education under this subchapter from schools or school districts deemed confidential under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), are confidential and may not be disclosed in any public or private proceeding.

SUBCHAPTER F. ADDITIONAL REWARDS

Sec. 35.101. RECOGNITION AND REWARDS. The State Board of Education shall develop a plan for recognizing and rewarding school districts and campuses that are rated as exemplary or recognized and for developing a network for sharing proven successful practices statewide and regionally.

Sec. 35.102. EXCELLENCE EXEMPTIONS. (a) Except as provided by Subsection (b), a school campus or district that is rated exemplary is exempt from requirements and prohibitions imposed under this code including rules adopted under this code.

(b) A school campus or district is not exempt under this section from a prohibition on conduct that constitutes a criminal offense. A school campus or district is not exempt under this section from requirements imposed by federal law or rule including requirements for special education or bilingual education programs. Except as provided by Subsection (d), a school campus or district is not exempt under this section from a requirement or prohibition imposed by state law or rule relating to:

(1) curriculum essential elements, excluding the methodology used by a teacher and the time spent by a teacher or a student on a particular task or subject;

(2) restrictions on extracurricular activities;

(3) health and safety;

(4) competitive bidding;

(5) textbook selection;

(6) elementary school class size limits;

(7) removal of a disruptive student from the classroom;

(8) suspension or expulsion of a student;

(9) at-risk programs;

(10) prekindergarten programs;

(11) minimum graduation requirements; or

(12) educational employee and educational support employee rights and benefits. In this section, "educational support employee" means a full-time or part-time school employee not defined as a "teacher" by Section 21.201(1).

(c) The Central Education Agency shall monitor and evaluate deregulation of a school campus or district under this section and Section 11.273 and report annually on the effect of deregulation on student achievement to the State Board of Education, the Legislative Education Board, the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature. The report must include a list of the exemptions utilized and a review of the effectiveness of the waivers and exemptions programs.

(d) The commissioner of education may exempt an exemplary school campus from elementary class size limits under this section if the school campus submits to the commissioner a written plan showing steps that will be taken to ensure that the exemption from the class size limits will not be harmful to the academic achievement of the students on the school campus. The commissioner shall review achievement levels annually. The exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

SUBCHAPTER G. ACCREDITATION SANCTIONS

Sec. 35.121. SANCTIONS. (a) If a district does not satisfy the accreditation criteria, the commissioner of education shall take any of the following actions, listed in order of severity, to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the Central Education Agency, and the sanctions that may be imposed under this section if the performance does not improve;

(3) order the preparation of a student achievement improvement plan that addresses each academic excellence indicator for which the district's performance is unacceptable, the submission of the plan to the commissioner of education for

approval, and implementation of the plan;

(4) order a hearing to be held before the commissioner of education or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5) arrange an on-site investigation of the district;

(6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;

(7) appoint a master to oversee the operations of the district;

(8) appoint a management team to direct the operations of the district in areas of unacceptable performance;

(9) if a district has been rated as accredited warned for a period of one year or more, appoint a board of managers composed of residents of the district to exercise the powers and duties of the board of trustees; or

(10) if a district has been rated as accredited warned for a period of two years or more, annex the district to one or more adjoining districts under Section 19.027.

(b) If a campus performance is below any standard under Section 35.063(b), the campus is considered a low-performing campus and the commissioner of education may take any of the following actions, listed in order of severity, to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees at the campus for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the Central Education Agency, and the sanctions that may be imposed under this section if the performance does not improve within a designated period of time and of soliciting public comment

on the initial steps being taken to improve performance;

(3) order the preparation of a student achievement improvement plan that addresses each academic excellence indicator for which the campus's performance is unacceptable, the submission of the plan to the commissioner of education for approval, and implementation of the plan;

(4) order a hearing to be held before the commissioner of education or the commissioner's designee at which the president of the board of trustees, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement;

(5) appoint a special campus intervention team to:

(A) conduct a comprehensive on-site evaluation of each low-performing campus to determine the cause for the campus's low performance and lack of progress;

(B) recommend actions, including reallocation of resources and technical assistance, changes in school procedures or operations, staff development for instructional and administrative staff, intervention for individual administrators or teachers, waivers from state statute or rule, or other actions the team considers appropriate;

(C) assist in the development of a campus plan for student achievement; and

(D) assist the commissioner of education in monitoring the progress of the campus in implementing the campus plan for improvement of student achievement;

(6) if a campus has been a low-performing campus for a period of one year or more, appoint a board of managers composed of residents of the district to exercise the powers and duties of the board of trustees of the district in relation to the campus; or

(7) if a campus has been a low-performing campus for a period of two years or more, order closure of the school program on the campus.

(c) The commissioner of education shall review annually the performance of a district or campus subject to this section to determine the appropriate actions to be implemented under this section. The commissioner must review at least annually the performance of a district for which the accreditation rating has been lowered due to unacceptable student performance and may not raise the rating until the district has demonstrated improved student performance. If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status. At the beginning of the 1993-1994 school year, the Central Education Agency shall rate any district with clearly unacceptable performance as accredited warned and the commissioner of education shall begin appropriate intervention in the district. The commissioner of education shall report annually to the governor, lieutenant governor, and the speaker of the house of representatives on districts or campuses subject to this section the actions taken by the commissioner to improve student performance and the results of those actions.

(d) The costs of providing a monitor, master, management team, or special campus intervention team shall be paid by the district.

(e) A master or management team appointed to oversee the operations of the district shall prepare a plan for the implementation of action under Subsection (a)(9) or (10) and may:

(1) direct an action to be taken by the principal of a campus, the superintendent of the district, or the board of trustees of the district; or

(2) approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board of trustees of the district.

(f) A special campus intervention team appointed under this section may consist of teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner of education to serve as members of a team.

(g) If the commissioner of education appoints a board of managers to govern a district, the powers of the board of trustees of the district are suspended for the period of the appointment and the commissioner shall appoint a district superintendent. Notwithstanding any other provision of this code, the board of managers may amend the budget of the district.

(h) If the commissioner of education appoints a board of managers to govern a campus, the powers of the board of trustees of the district in relation to the campus are suspended for the period of the appointment and the commissioner shall appoint a campus principal. Notwithstanding any other provision of this code, the board of managers may submit to the commissioner for approval amendments to the budget of the district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the district shall adopt the amendments.